I certify that this is a copy of the authorised version of this Act as at 20 November 2026, and that it incorporates all amendments, if any, made before and in force as at that date and any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 20 November 2026.

K Woodward
Chief Parliamentary Counsel
Dated 23 November 2026

TASMANIA

OCCUPATIONAL LICENSING ACT 2005

No. 47 of 2005

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OCCUPATIONAL LICENSING ACT 2005

No. 47 of 2005

An Act to ensure that contractors, practitioners and other persons engaged in certain occupations, trades or callings are appropriately qualified, licensed and regulated to perform their work safely and in accordance with established benchmarks, to promote safety, to provide for the investigation of incidents in those activities, to amend the *Building Act 2000* and the *Electricity Industry Safety and Administration Act 1997* and to repeal the *Plumbers and Gas-fitters Registration Act 1951*

[Royal Assent 24 November 2005]

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Occupational Licensing Act 2005*.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

3. Interpretation

(1) In this Act, unless the contrary intention appears –

Administrator means the person appointed by the Minister as the Administrator of Occupational Licensing under section 10;

approved means approved by the Administrator;

approved authority means a local authority, statutory authority or any body or organisation, whether incorporated or not, that is approved by the Administrator for the purposes of this Act in respect of an occupation, trade or calling to which this Act applies;

authorised officer means –

(a) the Administrator; or

(b) a person who is appointed under section 16 as an authorised officer;

Board means the Occupational Licensing Advisory Board established under section 14;

body corporate includes a corporation within the meaning of the Corporations Act;

building services licence means –

(a) a licence issued and in force in accordance with Division 3A of Part 4; or

(b) a licence held by a person by virtue of holding deemed registration;

building services provider means a person who is the holder of a building services licence;

building services work means any prescribed work that is –

(a) prescribed in the regulations as building services work; and

(b) not excluded from the application of this Act by the regulations;

code of practice means a code of practice established under section 53;

continuing professional development has a meaning given by section 4;

contractor means the holder of a contractor's licence, or a person who is the holder of a contractor's licence by virtue of holding deemed registration, who –

(a) enters into a contract to carry out any prescribed work; or

(b) employs another person to carry out any prescribed work; or

(c) has the management or control of any other person carrying out any prescribed work;

contractor's business means a business involving entering into a contract or contracts to carry out prescribed work;

contractor's licence means –

(a) a contractor's licence issued and in force in accordance with Division 2 of Part 4; or

(b) a licence held by a person by virtue of holding deemed registration;

deemed registration means an entitlement to automatic deemed registration, within the meaning of the *Mutual Recognition Act 1992* of the Commonwealth;

defective work means –

(a) any work that does not comply with a code of practice; or

(b) any work where the materials, tools or equipment used are faulty or unsuitable for the purposes of the work; or

(c) any work that has been left in an incomplete and unsafe condition; or

(d) any other work that is determined to be defective work under a code of practice or in accordance with the regulations;

director has the same meaning as in section 9 of the Corporations Act;

document means any record of information, and includes –

(a) anything on which there is writing; and

(b) anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them; and

(c) anything from which sounds, images or writings can be reproduced with or without the aid of anything else; and

(d) a map, plan, drawing or photograph –

and a reference in this Act to a document includes a reference to –

(e) any part of the document; and

(f) any copy, reproduction or duplicate of the document or of any part of the document; and

(g) any part of such a copy, reproduction or duplicate;

fit and proper, in the case of a contractor, practitioner, building services provider or other person who is subject to this Act, means fit and proper as defined in a code of practice relevant to that contractor, practitioner, building services provider or other person;

Fund means the Occupational Licensing Administration Fund established under section 96;

licence means –

(a) an authority granted and in force under this Act to carry out any prescribed work; or

(b) a document that evidences that authority; or

(c) any such authority or document continued in force under this Act; or

(d) an entitlement to carry out any prescribed work by virtue of holding deemed registration; or

(e) a document that evidences the holding of that entitlement to hold deemed registration;

licensed entity means a body corporate, partnership or council that holds a building services licence in accordance with section 37C;

licensed person, of a licensed entity, means –

(a) in the case of a body corporate that is a licensed entity, a director of the body corporate who holds a building services licence as an individual; or

(b) in the case of a partnership that is a licensed entity, a partner of the partnership who holds a building services licence as an individual; or

(c) in the case of a council that is a licensed entity, a person employed or engaged by the council who holds a building services licence as an individual;

National Construction Code means the National Construction Code series published by the Australian Building Codes Board, as amended or substituted from time to time;

nominated manager means a person who is named in a licence or a notice under section 26 as a nominated manager;

owner – see section 3A;

owner builder means a person who holds an owner builder permit;

owner builder permit means a permit issued under Part 3A;

practitioner means a person who is the holder of a licence, including a person who is the holder of licence by virtue of holding deemed registration, authorising him or her to carry out any prescribed work other than building services work;

premises includes –

(a) land and a structure, building, caravan, vehicle or vessel, whether temporary or not and whether under construction or not; and

(b) a place, whether enclosed or built on or not and whether on, within, over or under land or water; and

(c) a part of premises, including premises referred to in paragraph (a) or (b);

prescribed work means any work that is –

(a) usually carried out in the course of an occupation, trade or calling to which this Act applies; and

(b) determined by the regulations to be prescribed work; and

(c) not excluded from the application of this Act by the regulations;

regulations means regulations made and in force under this Act;

representation means an express or implied representation;

standard means a standard issued by a standards authority;

standards authority means Standards Australia International Limited, the British Standards Institution, the International Organization for Standardization, the American National Standards Institute, Standards New Zealand or any other similar authority approved by the Administrator;

statutory authority means a body or authority, whether incorporated or not, which is established or constituted by or under an

Act or under the Royal Prerogative, being a body or authority which, or of which the governing authority, wholly or partly comprises a person or persons appointed by the Governor, a Minister or another statutory authority but does not include a Government department;

supervision means supervision within the meaning of a code of practice.

(2) A reference in this Act to an approved course of training in respect of any prescribed work includes a course of training undertaken for the purposes of a qualification or statement of attainment in accordance with the Australian Qualifications Framework within the meaning of the *Training and Workforce Development Act 2013*.

(3) Unless the contrary intention appears, an expression used in this Act that is defined in the *Building Act 2016* has the same meaning in this Act as in section 4 of the *Building Act 2016*.

(4) A reference in this Act to the class of a building is a reference to that class as set out in the National Construction Code.

3A. Meaning of *owner*

For the purposes of this Act, a person is an owner, in respect of any premises –

(a) in the case of an owner as referred to in sections 22A and 29B, if the person is an

owner within the meaning of section 4 of the *Building Act 2016*; or

(b) in any other case, if the person –

(i) is entitled to any interest in the premises; or

(ii) has contracted to buy the premises; or

(iii) is entitled to receive, or is in receipt of, the rents and profits of the premises, whether as beneficial owner, trustee, mortgagee in possession or otherwise; or

(iv) has, or is entitled to have, the management or control of any premises.

4. Meaning of continuing professional development

For the purposes of this Act, a practitioner, or building services provider, is taken to demonstrate continuing professional development if he or she has undertaken and can show commitment to –

(a) development of skills in respect of the prescribed work which he or she proposes to carry out and any learning required for that purpose; and

(b) maintenance of his or her existing skills.

5. Objects of Act

The objects of this Act are to ensure that –

(a) all work carried out in the course of certain occupations, trades or callings is carried out by appropriately qualified and licensed persons; and

(b) all such work is carried out safely without injury or damage to any person, property or infrastructure; and

(c) all persons carrying out any such work acquire, maintain, further develop and apply their skills properly.

6. Crown to be bound

This Act binds the Crown in right of Tasmania and, so far as the legislative power of Parliament permits, in all its other capacities.

7. Application of Act to occupations, trades and callings

(1) This Act applies to the occupation, trade or calling that is performance of electrical work as described in Part 1 of Schedule 2.

(1A) This Act applies to the occupation, trade or calling that is performance of gas-fitting work as described in Part 2 of Schedule 2.

(1B) This Act applies to the occupation, trade or calling that is performance of plumbing work as described in Part 3 of Schedule 2.

(1BA) This Act applies to the occupation, trade or calling that is performance of building services work as described in Part 4 of Schedule 2.

(1C) This Act applies to any occupation, trade or calling added to Schedule 2 by order under subsection (2).

(2) Where the Minister is satisfied that, in the course of any occupation, trade or calling, a person is likely to, or may, create a hazard, risk or danger to –

(a) public health or safety; or

(b) property or infrastructure –

the Minister may, by order published in the *Gazette* and in such daily newspapers circulating generally in Tasmania as the Minister thinks fit, amend Schedule 2 by adding or varying an occupation, trade or calling.

(3) An order under subsection (2) –

(a) is to state the grounds on which it is made by reference to public health, safety, property or infrastructure; and

(b) is to be published in a way that ensures, in the Minister's opinion, that the order will come to the attention of persons affected by it; and

(c) may provide that only such provisions of this Act as are specified in the order are to apply to the relevant occupation, trade or calling; and

(d) may provide that the provisions of any other Act that relates to the relevant occupation, trade or calling, or such provisions of that Act as are specified in the order, are to continue to have effect notwithstanding the provisions of this Act.

(4) The Minister must cause a copy of the order to be laid before each House of Parliament within 14 sitting-days of that House and the order is subject to disallowance under section 47 of the *Acts Interpretation Act 1931* as if it were a regulation.

(5) The provisions of the Acts referred to in Schedule 3 continue to have effect notwithstanding the provisions of this Act.

8. Act not to affect laws relating to mutual recognition

Nothing in this Act affects the application of any other law relating to the mutual recognition of qualifications to perform any prescribed work.

9. Application of other Acts

(1) This Act is in addition to, and does not derogate from, any other Act –

(a) relating to contractors, practitioners, building services providers and other persons engaged in any occupation, trade or calling to which this Act applies; or

(b) prescribing any requirements with which any prescribed work must comply.

(2) This section is subject to the provisions of any order made under section 7(3)(c) or (d).

PART 2 – ADMINISTRATION

Division 1 – Administrator of Occupational Licensing

10. Administrator

The Minister administering the *State Service Act 2000* may appoint a State Service officer or State Service employee to be the Administrator of Occupational Licensing and that officer or employee may hold that office in conjunction with State Service employment.

11. General functions of Administrator

The Administrator has the following functions:

(a) to advise the Minister on legislation and any other matter relating to the administration of this Act;

(b) to confer with and seek advice from State Service Agencies, approved authorities and any other persons, bodies or organisations engaged in any relevant industry and other interested groups or bodies on matters relating to the administration of this Act;

(c) to confer with and seek advice from any national body established to deal with matters relating to occupational licensing and to represent Tasmania in respect of the administration of this Act;

(d) to promote continuing professional development in respect of any occupation, trade or calling to which this Act applies;

(e) to publish reports and disseminate information on matters relating to the administration of this Act;

(f) to review the performance of licence holders and authorised officers;

(g) to carry out any other function relating to the administration of this Act that the Minister determines.

12. Assistance to Administrator

The Administrator may make arrangements with the Head of a State Service Agency for such State Service officers and State Service employees employed in that Agency as the Administrator considers necessary to be made available to the Administrator to enable the Administrator to perform his or her functions and exercise his or her powers under this Act and those officers and employees may, in conjunction with State Service employment, serve the Administrator in any capacity.

13. Power to obtain information

(1) The Administrator may, by written notice given to a person who may, in the Administrator's opinion, be in possession of information,

documents or materials relating to any occupation, trade or calling to which this Act applies or otherwise to the administration of this Act, require the person –

(a) to provide written answers to specified questions within a specified period; or

(b) to produce documents or other materials for examination at a specified time and place; or

(c) to appear before an authorised officer at a specified time and place for examination on a specified matter; or

(d) having appeared for examination as mentioned in paragraph (c), to answer any question relating to the administration of this Act.

(2) A person who –

(a) without reasonable excuse fails to comply with a requirement under this section; or

(b) in response to such a requirement, knowingly gives information that is false or misleading or deliberately refrains from giving material information; or

(c) having been required to appear before an authorised officer for examination, fails to comply with any reasonable requirement of the authorised officer –

is guilty of an offence.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 100 penalty units; or

(b) an individual, a fine not exceeding 50 penalty units.

Division 2 – Occupational Licensing Advisory Board

14. Occupational Licensing Advisory Board

(1) The Minister may establish a board, to be known as the "Occupational Licensing Advisory Board".

(2) The functions of the Board are to advise the Administrator on –

(a) the performance of the Administrator's functions or the exercise of his or her powers under this Act; and

(b) the administration of licences granted to contractors, practitioners and building services providers; and

(c) the training and skills required of practitioners, building services providers, nominated managers and authorised officers; and

(d) any other matter referred to the Board by the Administrator.

(3) Schedule 4 has effect with respect to the constitution, membership and meetings of the Board.

(4) With the approval of the Administrator, the Board may establish committees to advise it on the training and skills required of practitioners, building services providers, nominated managers and authorised officers and on any other matter on which the Administrator has sought its advice.

(5) With the approval of the Administrator, the Board may engage additional persons to advise it on the performance of its functions under this Act.

(6) The Minister may determine procedures to be followed by the Board and, to the extent that the Board's procedures are not so determined, the Board may determine its own procedures.

Division 3 – Delegation

15. Delegation of Administrator's functions

(1) The Administrator may delegate any of his or her functions under this Act, except this power of delegation.

(2) A delegation may be made to –

(a) an approved authority; or

(b) a State Service officer or State Service employee; or

(c) an officer or employee of an approved authority; or

(d) any other person of an occupation or class prescribed by the regulations.

Division 4 – Authorised officers

16. Appointment of authorised officers

(1) The Administrator may appoint –

(a) a State Service officer, State Service employee or any other person; or

(b) a member of a class of police officers, State Service officers, State Service employees or employees of a company carrying out functions for the purposes of this Act –

to be an authorised officer for the purposes of this Act on such terms and conditions as are specified in the instrument of appointment and, in the case of a State Service officer or State Service employee, he or she may hold that office in conjunction with State Service employment.

(2) The Administrator is to issue an authorised officer appointed under subsection (1)(a) with –

(a) an instrument of appointment; and

(b) an identity card.

(3) A person may not be appointed as an authorised officer under this section unless the

Administrator is satisfied that he or she is qualified by reason of knowledge and experience to hold that office.

(4) The powers and functions of an authorised officer under this Act must be exercised or performed in accordance with any limitations stated in the instrument of his or her appointment.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 150 penalty units; or

(b) an individual, a fine not exceeding 75 penalty units.

(5) Where an authorised officer appointed under subsection (1)(a) ceases to be appointed as such, he or she must within 10 days surrender his or her identity card to the Administrator.

Penalty: Fine not exceeding 20 penalty units.

17. Entry to premises

(1) An authorised officer may enter any premises –

(a) in which, on which or for the purposes of which any prescribed work has been, is being or is intended to be carried out; or

(b) for the purposes of inspecting any article or thing on which prescribed work has been, is being or is intended to be carried out; or

(c) for the purposes of taking any action that is reasonably necessary or desirable for the purposes of this Act.

(2) A power of entry conferred by this Act may be exercised –

(a) with the consent of the occupier of the premises to be entered; or

(b) with the authority of a warrant; or

(c) in an emergency, where it is impracticable to obtain a warrant or the consent of the occupier.

(3) On entering any premises in or on which an authorised officer appointed under section 16(1)(a) proposes to exercise his or her powers or perform his or her functions under this Act, the authorised officer, if so requested by –

(a) the owner of the premises; or

(b) the employer of any person engaged in carrying out any prescribed work in or at the premises –

is to show his or her identity card to the owner or employer.

(4) A failure by an authorised officer to show his or her identity card does not invalidate any subsequent exercise of his or her powers.

18. Warrant to enter premises

(1) An authorised officer may apply to a justice for a warrant to enter the premises specified in the application.

(2) The justice may issue the warrant if satisfied that a warrant is reasonably required for the purposes of this Act.

(3) A warrant authorises the authorised officer –

(a) to enter the premises specified in the warrant; and

(b) to do anything reasonably required for the administration or enforcement of this Act.

(4) A warrant is to specify the date on which, and the time at which, the warrant ceases to have effect.

(5) An application for a warrant may be made by telephone, facsimile or other prescribed means if the authorised officer considers that the urgency of the situation requires it.

(6) If the justice decides to issue a warrant on an application under subsection (5), the justice is to –

(a) complete and sign the warrant; and

(b) inform the applicant of –

(i) the terms of the warrant; and

(ii) the date and time of the issue of the warrant; and

(iii) the date and time when the warrant is to cease to have effect; and

(c) record on the warrant the reasons for issuing it.

(7) The authorised officer must –

(a) complete a warrant form in the same terms as the warrant signed by the justice; and

(b) write on the form –

(i) the name of the justice; and

(ii) the date and time of the issue of the warrant; and

(c) send to the justice the completed form not later than the day after the warrant is executed or ceases to have effect.

(8) On receipt of the warrant form, the justice is to attach it to the warrant signed by the justice.

(9) A warrant form completed under subsection (7) by an authorised officer has the same force as the original of the warrant signed by the justice.

19. Powers of authorised officers

If an authorised officer reasonably considers that an offence against this Act has been, is being or is likely to be committed or a code of practice has been, is being or is likely to be contravened in any premises, the authorised officer may enter those premises and do one or more of the following:

(a) require the owner or occupier of those premises or any employee of the owner or occupier to produce any records relating to any business in which, or for the purposes of which, any prescribed work is being carried on;

(b) search for, inspect, take extracts from and make copies of those records;

(c) require any person who appears to be able to do so to answer any question relating to any prescribed work, the duties of contractors or the duties of practitioners, or building services providers, under this Act.

20. Offences relating to authorised officers

A person must not –

(a) obstruct, wilfully delay, threaten or intimidate an authorised officer or a person assisting an authorised officer in the performance of his or her functions under this Act; or

(b) without lawful excuse, refuse or fail to comply with a requirement made, or to answer a question asked, by an authorised officer under this Act; or

(c) provide an authorised officer with information requested under this Act knowing that it is false or misleading in a material particular; or

(d) directly or indirectly prevent any person from appearing before, or being questioned by, an authorised officer.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 400 penalty units; or

(b) an individual, a fine not exceeding 200 penalty units.

PART 3 – DUTIES OF PERSONS RELATING TO PRESCRIBED WORK

21. Obligation to hold contractor's licence

A person must not carry on business as a contractor unless –

(a) the person holds a contractor's licence of the occupation and class appropriate to the prescribed work, other than building services work, carried out in the course of the business; or

(b) the person is the holder of a contractor's licence by virtue of holding deemed registration.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 400 penalty units; or

(b) an individual, a fine not exceeding 200 penalty units.

22. Obligation to hold practitioner's licence

(1) A person must not carry out any prescribed work, other than building services work, unless –

(a) the person holds a practitioner's licence of the relevant occupation and class; or

(b) the person is undergoing an approved course of training and the prescribed

work is supervised by a practitioner of the relevant occupation and class; or

(ba) the person is the holder of a practitioner's licence of the relevant occupation and class by virtue of holding deemed registration; or

(c) the person is permitted to do so under section 36(4) and (5).

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 400 penalty units; or

(b) an individual, a fine not exceeding 200 penalty units.

(2) A person must not supervise the performance of prescribed work unless he or she is the holder of a practitioner's licence –

(a) issued by the Administrator of the relevant occupation and class; or

(b) of the relevant occupation and class by virtue of holding deemed registration.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 400 penalty units; or

(b) an individual, a fine not exceeding 200 penalty units.

(3) A practitioner must ensure that he or she acts only in the area of his or her competence.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 400 penalty units; or

(b) an individual, a fine not exceeding 200 penalty units.

22A. Obligation to hold building services licence

(1) A person must not manage, carry out, or enter into a contract to manage or carry out, any building services work unless the person holds –

(a) a building services licence of the occupation and class relevant to the building services work; or

(b) a building services licence of the relevant occupation and class by virtue of holding deemed registration.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 400 penalty units; or

(b) an individual, a fine not exceeding 200 penalty units.

(2) Subsection (1) does not apply to –

(a) a person managing and carrying out building services work if –

(i) the person is an owner builder; and

(ii) the building services work is carried out under the authority of the owner builder permit held by the person; and

(iii) each owner, that has attained the age of 18 years, of the premises where the building services work is, or is to be, carried out is an owner builder in relation to the premises; or

(b) a person managing or carrying out building services work, or entering into a contract to manage or carry out building services work, if the person is employed or engaged to manage or carry out that work by –

(i) a building services provider who holds a building services licence of the occupation and class relevant to the building services work; or

(ii) a licensed entity that holds a building services licence of the occupation and class relevant to the building services work; or

(iii) an owner builder who holds an owner builder permit that authorises the building services

work to be so managed or carried out; or

(ba) an organisation, whether incorporated or unincorporated, if each person managing or carrying out building services work, or entering into a contract to manage or carry out building services work, on behalf of that organisation –

(i) holds a building services licence of the occupation and class relevant to the building services work being managed or carried out by that person; or

(ii) is not required, under this subsection, to hold such a licence while the person manages or carries out the building services work; or

(bb) a person who is carrying out building services work, if the person –

(i) is employed or engaged to carry out that work by a person (***the relevant employer***); and

(ii) is carrying out that work in accordance with a request of another person and the other person –

(A) is also employed or engaged by the relevant employer; and

(B) holds a building services licence of the occupation and class relevant to that work; or

(c) a licensed plumber practitioner managing or carrying out –

(i) the replacement of roof decking; or

(ii) any other class of prescribed plumbing work –

that is also building work, or demolition work, under the *Building Act 2016* that requires a certificate of likely compliance under that Act; or

(d) a licensed electrical practitioner managing or carrying out prescribed electrical work that is building work, or demolition work, under the *Building Act 2016* that requires a certificate of likely compliance under that Act; or

(e) a prescribed person, a class of prescribed persons, or a person in prescribed circumstances.

(3) A building services provider must ensure that he or she acts only in the area of his or her competence.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 400 penalty units; or

(b) an individual, a fine not exceeding 200 penalty units.

23. Duties of licence holders and nominated managers relating to prescribed work

(1) In carrying out any prescribed work, a licence holder and a nominated manager must ensure that –

(a) any relevant code of practice is complied with; and

(b) any requirements imposed by subsections (2) and (3) are complied with; and

(c) he or she complies with any directions given to him or her by the Administrator or an authorised officer.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 100 penalty units; or

(b) an individual, a fine not exceeding 50 penalty units.

(2) A licence holder and a nominated manager must ensure that any directions given by him or her, in the course of carrying out any prescribed work, are complied with by a person who is not a

licence holder and who is entitled to perform prescribed work under this Act.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 100 penalty units; or

(b) an individual, a fine not exceeding 50 penalty units.

(3) A contractor or nominated manager who carries out any prescribed work must ensure that the prescribed work is carried out in a manner that does not cause –

(a) a risk to public health; or

(b) a danger to the public; or

(c) damage to property or infrastructure.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 250 penalty units; or

(b) an individual, a fine not exceeding 125 penalty units.

(4) A contractor or nominated manager who carries out any prescribed work must also ensure that the prescribed work is in accordance with any permit or authority required under any other law.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 250 penalty units; or

(b) an individual, a fine not exceeding 125 penalty units.

(5) A contractor or nominated manager who carries out any prescribed work must ensure that the materials, and the quality of the materials used in the prescribed work, are in accordance with the requirements of this Act.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 250 penalty units; or

(b) an individual, a fine not exceeding 125 penalty units.

24. Duties of owners and occupiers relating to prescribed work

An owner or occupier of any premises who authorises any prescribed work in respect of the premises, must ensure that, so far as is reasonably practicable, any person engaged to carry out the prescribed work holds a licence if so required under this Act.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 50 penalty units; or

(b) an individual, a fine not exceeding 20 penalty units.

25. Duties of licence holders

(1) A holder of a licence who carries out any prescribed work under the licence must ensure that –

(a) the prescribed work; and

(b) any other work performed in connection with, or for the purposes of, the prescribed work –

complies with any relevant code of practice.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 250 penalty units; or

(b) an individual, a fine not exceeding 125 penalty units.

(2) A contractor must ensure that any prescribed work carried out under his or her licence is carried out by a person who –

(a) is the holder of a practitioner's licence of the relevant occupation and class; or

(b) is undergoing an approved course of training and whose prescribed work is supervised by the holder of a practitioner's licence of the relevant occupation and class.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 250 penalty units; or

(b) an individual, a fine not exceeding 125 penalty units.

(2A) A licensed entity must ensure that any building services work prescribed for the purposes of this subsection, that is carried out under the licence of the licensed entity, is carried out by a person who is the holder of a building services licence of the relevant occupation and class.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 250 penalty units; or

(b) an individual, a fine not exceeding 125 penalty units.

(3) A practitioner supervising prescribed work by a person who is undergoing an approved course of training must –

(a) give any directions necessary to ensure that the prescribed work is carried out as required by this Act; and

(b) personally ensure that the prescribed work is correctly carried out as required by this Act.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 250 penalty units; or

(b) an individual, a fine not exceeding 125 penalty units.

26. Obligation to ensure that contractor's business is properly managed

(1) A contractor must not carry on business as such unless any prescribed work carried out in the course of the business is subject to the management and supervision of a nominated manager who –

(a) is a practitioner; and

(b) is, in the Administrator's opinion, competent –

(i) to assess the scope and technical requirements of any prescribed work to be carried out under a contract or proposed contract; and

(ii) to determine the skills and resources necessary to carry out that work; and

(iii) to make arrangements for carrying out that work properly and safely; and

(c) is named in the contractor's licence, or in a notice under subsection (5), as the nominated manager.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 400 penalty units; or

(b) an individual, a fine not exceeding 200 penalty units.

(2) A contractor must not obstruct a nominated manager in the performance of his or her duties.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 400 penalty units; or

(b) an individual, a fine not exceeding 200 penalty units.

(3) A nominated manager is to be appointed under this section in respect of each occupation and class appropriate to the prescribed work carried out in the course of the contractor's business.

(4) A nominated manager must perform competently his or her duties under this Act.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 400 penalty units; or

(b) an individual, a fine not exceeding 200 penalty units.

(5) If the nominated manager for a contractor's business dies or ceases to manage any prescribed work carried out in the course of that business, no offence is committed against this section if, within 60 days or any longer period allowed by

the Administrator, the contractor nominates, by a notice in writing in an approved form given in the manner required by the Administrator, a new manager who is eligible to be the nominated manager for the contractor's business.

27. Insurance for licence holders

(1) Notwithstanding section 8, the Administrator may, by notice published in the *Gazette*, require licence holders to be covered by insurance of a type and to an amount specified in the notice.

(2) Notwithstanding subsection (1), it is lawful for a practitioner to perform prescribed work gratuitously if, in doing so, he or she is covered by insurance of a type and to an amount as required by subsection (1).

(3) A person who holds a licence by virtue of holding deemed registration must, before the person proposes to carry out prescribed work in this State under the licence, provide the Administrator with notice, in an approved form, containing approved evidence in relation to the person's insurance cover.

Penalty: Fine not exceeding 10 penalty units.

(4) A person who holds a licence by virtue of holding deemed registration must not carry out any work in this State under the licence unless the person is covered by approved insurance.

Penalty: Fine not exceeding 10 penalty units.

(5) If a person is found guilty of an offence against subsection (3) or (4), the Administrator may –

(a) suspend or cancel the deemed registration held by the holder of the licence; and

(b) disqualify the person from holding a licence by virtue of holding deemed registration for a specified period or until the person fulfils a specified condition.

(6) If there is a change to any of the information provided by a person in a notification to the Administrator under subsection (3), the person must, as soon as practicable, in a form approved by the Administrator, notify the Administrator of the change.

Penalty: Fine not exceeding 10 penalty units.

28. Insurance cover for contractors

(1) A contractor is taken to be covered by the required insurance if –

(a) the prescribed work carried out by or on behalf of the contractor is covered by the required insurance; or

(b) the contractor is not a party to the required insurance but is specified or referred to in the contract of insurance by name or otherwise as a person covered by that insurance.

(2) Where the contractor has the licence cancelled under section 46, the cancellation does not affect the insurance cover for any work carried out before notice of the cancellation is given to that holder.

(3) A person who is a contractor by virtue of holding deemed registration must, before that contractor proposes to carry out any prescribed work, or allow any prescribed work to be carried out, in this State, under the contractor's licence, provide the Administrator with notice, in an approved form, containing approved evidence in relation to the contractor's insurance cover.

Penalty: Fine not exceeding 10 penalty units.

(4) A person who is a contractor by virtue of holding deemed registration must not carry out any prescribed work, or allow any prescribed work to be carried out, in this State under the contractor's licence unless the person is covered by approved insurance.

Penalty: Fine not exceeding 10 penalty units.

(5) If there is a change to any of the information provided by a person in a notification to the Administrator under subsection (3), the person must, as soon as practicable, in a form approved by the Administrator, notify the Administrator of the change.

Penalty: Fine not exceeding 10 penalty units.

29. Offences relating to insurance cover

(1) A contractor must not carry out any prescribed work or allow any prescribed work to be carried out under his or her licence unless he or she holds, or is taken to hold, the required insurance under section 28.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 400 penalty units; or

(b) an individual, a fine not exceeding 200 penalty units.

(2) A contractor must not represent that he or she holds, or is taken to hold, the required insurance cover unless that is the case.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 150 penalty units; or

(b) an individual, a fine not exceeding 75 penalty units.

(3) A court that convicts a person of an offence under subsection (1) is to order, in addition to any other penalty imposed in respect of the offence, that the person pay into the Fund an amount equal to the total of any insurance premiums which the court is satisfied the person has avoided by failing to maintain the insurance cover required by subsection (1).

(3A) A building services provider must not carry out any building services work, or allow any building services work to be carried out under his or her licence, unless he or she holds, or is taken to hold, the insurance cover as required under section 27.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 500 penalty units; or

(b) an individual, a fine not exceeding 100 penalty units.

(3B) A building services provider must not represent that he or she holds, or is taken to hold, the insurance cover as required under section 27, unless that is the case.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 150 penalty units; or

(b) an individual, a fine not exceeding 75 penalty units.

(3C) A court that convicts a person of an offence under subsection 3A is to order, in addition to any other penalty imposed in respect of the offence, that the person pay into the Fund an amount equal to the total of any insurance premiums which the court is satisfied the person has avoided by failing to maintain the insurance cover as required under section 27.

(4) A practitioner, or building services provider, must not perform prescribed work gratuitously unless he or she is covered by insurance as required by section 27.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 150 penalty units; or

(b) an individual, a fine not exceeding 75 penalty units.

(5) A contractor, or building services provider, must, on request by an owner or occupier of land on which any prescribed work is carried out, produce a certificate of currency or other evidence of the required insurance cover.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 300 penalty units; or

(b) an individual, a fine not exceeding 150 penalty units.

PART 3A – PERMITS FOR OWNER BUILDERS

29A. Building work for which an owner builder permit may be issued

(1) An owner builder permit may only be issued under this Part to a person who intends to manage or carry out building work on a class of building, or type of building, determined by the Administrator under subsection (1A).

(1A) For the purposes of subsection (1), the Administrator may determine the classes of building, or types of building, in respect of which a person may manage or carry out building work as an owner builder.

(1B) Before making a determination under subsection (1A), the Administrator may consult with any person or organisation that he or she considers appropriate.

(2) Despite subsection (1), a person does not require an owner builder permit under this Part if the person intends to manage or carry out building work –

(a) that is excluded from the application of this Part by the regulations; or

(b) that is building services work that is excluded from the application of this Act by the regulations.

(3) The Administrator is to notify any determination under subsection (1A) in the *Gazette* and in such

daily newspapers circulating generally in Tasmania as the Administrator thinks fit and the notification is to be available for public inspection –

(a) at the office of the Administrator during normal business hours; and

(b) by means of the World Wide Web; and

(c) by any other means determined by the Administrator.

(4) The Administrator may amend a determination under subsection (1A) by –

(a) omitting, substituting or adding a provision; and

(b) notifying the amended determination, and making it available for public inspection, in accordance with subsection (3).

(5) For the avoidance of doubt, the making of a determination under subsection (1A), or the amending of such a determination under subsection (4), does not affect the validity of an owner builder permit issued before the determination, or amended determination, is notified in accordance with subsection (3).

29B. Eligibility for owner builder permit

(1) A person is eligible to hold an owner builder permit if the person –

(a) meets the prescribed criteria; and

(b) is, or will be, covered by the insurance required under section 29F(1) at the time the permit is issued; and

(c) has successfully completed an owner builder training course, approved under subsection (3), within the 12-month period immediately before he or she is the subject of an application for an owner builder permit; and

(d) has engaged a building surveyor in respect of the work to be performed as an owner builder as required under the *Building Act 2016*.

(2) Subsection (1)(c) does not apply to a person if –

(a) he or she intends to manage or carry out building work as an owner builder in respect of premises; and

(b) an owner of those premises is also an owner builder in relation to those premises and has complied with subsection (1)(c).

(3) The Administrator may, by notice in the *Gazette*, approve a specific training course, or a training course provided by a person or body specified in the notice, as an owner builder training course for the purposes of subsection (1)(c).

(4) A notice under subsection (3) is not a statutory rule for the purposes of the *Rules Publication Act 1953*.

29C. Application for owner builder permit

An application for an owner builder permit –

(a) must be made by a building surveyor engaged on behalf of the person intending to hold the owner builder permit; and

(b) is to be in the approved form; and

(c) is to be accompanied by the prescribed fee.

29D. Determination of applications for owner builder permit

(1) On receipt of an application under section 29C, the Administrator must consider the application and –

(a) issue a permit to the person intending to hold the owner builder permit, which may be unconditional or subject to any conditions that the Administrator considers appropriate; or

(b) refuse the application.

(2) Unless otherwise agreed with the applicant, the Administrator is to make a decision within 21 days after receiving the application.

(3) The Administrator may only issue a permit under subsection (1)(a) to a person if the Administrator is satisfied that the person –

(a) has engaged a building surveyor in respect of the work to be performed by the person as an owner builder under the owner builder permit; and

(b) is eligible under section 29B to hold an owner builder permit.

(4) Despite subsection (3)(b), the Administrator may issue a permit under subsection (1)(a) to a person who is not eligible under section 29B to hold an owner builder permit if the Administrator considers that special circumstances exist.

(5) If the Administrator refuses to issue an owner builder permit under this section, the Administrator is to give the applicant written notice setting out the reasons for the refusal.

(6) An applicant may request the Administrator to review the decision and, if he or she is not satisfied with the review, the applicant may appeal to the Tasmanian Civil and Administrative Tribunal under section 82.

29E. Cancellation of owner builder permit

The Administrator may cancel an owner builder permit if he or she is satisfied that –

(a) the owner builder permit was obtained by fraud or by making a false or misleading statement; or

(b) the holder of the owner builder permit did not manage, or carry out, the building work to which that permit related; or

(c) the holder of the owner builder permit did not obtain a building permit under the *Building Act 2016*, in relation to the building work to be performed under the owner builder permit, within 12 months of the owner builder permit being issued; or

(d) a building permit obtained under the *Building Act 2016*, in relation to the building work to be performed under the owner builder permit, has expired or has been cancelled; or

(e) the building work to be performed under the owner builder permit is detrimental to public safety; or

(f) the holder of the owner builder permit does not hold the insurance required under section 29F; or

(g) the holder of the owner builder permit has committed an offence under –

(i) this Act; or

(ii) the *Building Act 2016*.

29F. Insurance for owner builders

(1) The Administrator may, by notice published in the *Gazette*, require an owner builder to be covered by insurance of a type and to an amount specified in the notice.

(2) A notice published under this section may be combined with a notice published under section 27.

(3) A person must not manage or carry out building work under an owner builder permit unless he or she holds, or is taken to hold, the insurance required under this section.

Penalty: Fine not exceeding 200 penalty units.

PART 4 – LICENSING OF CONTRACTORS, PRACTITIONERS AND BUILDING SERVICES PROVIDERS

Division 1 – Preliminary

30. Classes of prescribed work

(1) For the purposes of this Act, the Administrator may determine that –

(a) any prescribed work is to be divided into classes of prescribed work; and

(b) any class of prescribed work may be combined with any other class of prescribed work.

(2) The Administrator is to notify any determination under subsection (1) in the *Gazette* and in such daily newspapers circulating generally in Tasmania as the Administrator thinks fit and the notification is to be available for public inspection –

(a) at the office of the Administrator during normal business hours; and

(b) by means of the World Wide Web; and

(c) by any other means determined by the Administrator.

31. Competencies and requirements

(1) Subject to subsection (2), the Administrator is to determine, by notice published in the *Gazette*, entry competencies, continuing competencies and other requirements which an applicant for a licence relating to a particular occupation and class of prescribed work must satisfy or continue to satisfy.

(2) The continuing competencies and other requirements published in a notice under subsection (1) apply to a person who holds a licence, relating to a particular occupation and class of prescribed work, by virtue of holding deemed registration.

32. Publication of determinations and amendments

(1) The Administrator may amend a determination under section 30 or 31 by omitting, substituting or adding a provision but, before doing so, may consult with the Board and any other person or organisation that he or she considers appropriate.

(2) The Administrator is to notify any amendment under subsection (1) in the *Gazette* and in such daily newspapers circulating generally in Tasmania as the Administrator thinks fit and the notification is to be available for public inspection –

(a) at the office of the Administrator during normal business hours; and

(b) by means of the World Wide Web; and

(c) by any other means determined by the Administrator.

Division 2 – Contractors' licences

33. Application for contractor's licence

(1) Subject to subsection (4), an application for a contractor's licence is to be made to the Administrator in an approved form and is to be accompanied by the prescribed fee.

(2) The application –

(a) is to state the occupation, trade or calling and class of prescribed work for which the licence is sought; and

(b) is to be accompanied by any information required by the Administrator relating to –

(i) the suitability of the applicant to hold a contractor's licence of the relevant occupation and class, including whether the applicant has a sound and stable financial background; and

(ii) the nominated manager for the prescribed work to be carried out under the licence; and

(iii) any arrangements made or proposed by the applicant to ensure that prescribed work is carried out, or supervised, by a practitioner of the relevant occupation and class.

(3) The applicant must provide the Administrator with proof of identity as may be required by the Administrator.

(4) A person who is entitled to hold a contractor's licence by virtue of holding deemed registration is not required to make an application for the contractor's licence in accordance with this Act.

34. Determination of application

(1) On receipt of an application for a contractor's licence, the Administrator must consider the application and –

(a) may issue an appropriate licence to the applicant, which may be unconditional or subject to any conditions that the Administrator considers appropriate; or

(b) may refuse the application for any reason that the Administrator considers appropriate, including but not limited to any one or more of the following reasons:

(i) the applicant is not a fit and proper person;

(ii) the applicant does not have the qualifications, experience or competence to perform the functions of, or carry out the work of, a contractor as appropriate for the occupation and class of the licence being sought by the applicant;

(iii) there are not satisfactory arrangements in place, including the suitability of the nominated manager for the applicant, for the supervision of the applicant in his or her role as a contractor;

(iv) the applicant does not have, or is not likely to have, a sound and stable financial background;

(v) the applicant is not, or is not likely to be, covered by the insurance required under section 27;

(vi) the applicant does not satisfy, or is not likely to satisfy, any applicable requirement of a determination under section 31 or any prescribed requirement;

(vii) the applicant has previously had a licence, or similar accreditation as a contractor, refused, suspended or cancelled, in

Tasmania or in another State or a Territory.

(2) Unless otherwise agreed with the applicant, the Administrator is to make a decision within 21 days after receiving the application.

(3) If the Administrator refuses an application, the Administrator is to give the applicant written notice setting out the reasons for the refusal.

(4) The applicant may request the Administrator to review the decision and, if he or she is not satisfied with the review, the applicant may appeal to the Tasmanian Civil and Administrative Tribunal under section 82.

34A. Deemed registration of contractors

(1) In this section –

occupation has the meaning it has in section 4(1) of the *Mutual Recognition Act 1992* of the Commonwealth;

participating jurisdiction has the meaning it has in section 4(1) of the *Mutual Recognition Act 1992* of the Commonwealth.

(2) A person who intends to carry out work as a contractor in the State by virtue of holding deemed registration must notify the Administrator of the person's entitlement to hold

deemed registration and intent to carry out work in this State, before the person –

(a) enters into a contract to carry out any prescribed work; or

(b) employs another person to carry out any prescribed work; or

(c) has the management or control of any other person carrying out any prescribed work.

Penalty: Fine not exceeding 10 penalty units.

(3) A notification under subsection (2) –

(a) must be in a manner approved by the Administrator; and

(b) must be in a form approved by the Administrator; and

(c) is to contain any information that the Administrator considers necessary.

(4) If there is a change in the information provided by a person in a notification to the Administrator under subsection (2), the person must, as soon as is practicable, in a form approved by the Administrator, notify the Administrator of the change.

Penalty: Fine not exceeding 10 penalty units.

(5) A person who holds a contractor's licence by virtue of holding deemed registration must not

carry on business as a contractor in the State unless the work is within the scope of the work that the person is authorised to carry out for that occupation in the relevant participating jurisdiction.

Penalty: Fine not exceeding 10 penalty units.

(6) If a person is found guilty of an offence against subsection (2), (4) or (5), the Administrator may –

(a) suspend or cancel the deemed registration held by the person; and

(b) disqualify the person from holding a contractor's licence by virtue of holding deemed registration for a specified period or until the person fulfils a specified condition.

(7) The Administrator may, at any time, request a person who holds a contractor's licence by virtue of holding deemed registration to provide the Administrator with any information that the Administrator requires in relation to the maintenance of the person's skills and any continuing professional development undertaken by the person.

35. Enforceability of contracts

(1) A person who contracts to do prescribed work in contravention of section 21, 22, 22A or 26 –

(a) is not entitled to recover any payment under the contract in respect of that prescribed work; and

(b) is not entitled to damages or to enforce any other remedy in respect of a breach of the contract committed by any other party to the contract; and

(c) is not entitled to damages or to enforce any other remedy in respect of any prescribed work carried out or supervised by the person in contravention of section 21, 22, 22A or 26 –

but is liable for damages and subject to any other remedy in respect of a breach of the contract committed by the person.

(2) This section does not affect the liability of any person for an offence against this or any other Act.

Division 3 – Practitioners' licences

36. Application for practitioner's licence

(1) Subject to subsection (6), an application for a practitioner's licence is to be made to the Administrator in an approved form and is to be accompanied by the prescribed fee.

(2) The application –

(a) is to state the occupation or occupations and class or classes of prescribed work for which the licence is sought; and

(b) is to be accompanied by any information required by the Administrator about –

(i) the applicant's qualifications and experience in carrying out prescribed work of the relevant occupation and class; and

(ii) the applicant's capacity and fitness, including whether the applicant has a sound and stable financial background, to carry out prescribed work of that occupation and class; and

(iii) the maintenance of the applicant's skills and continuing professional development.

(3) The Administrator may, as a condition of granting a practitioner's licence, require the applicant to show satisfactory completion of an approved course of training.

(4) A person who completes an approved course of training may, subject to subsection (5), continue to carry out prescribed work until he or she is granted a practitioner's licence or such other time as may be determined by the Administrator, whichever first occurs.

(5) The prescribed work referred to in subsection (4) –

(a) is to be work to which the completed approved course of training relates; and

(b) is to be supervised by a practitioner of the relevant occupation and class.

(6) A person who is entitled to hold a practitioner's licence by virtue of holding deemed registration is not required to make an application for the practitioner's licence in accordance with this Act.

37. Determination of application

(1) On receipt of an application for a practitioner's licence, the Administrator must consider the application and –

(a) may issue an appropriate licence to the applicant, which may be unconditional or subject to any conditions that the Administrator considers appropriate; or

(b) may refuse the application for any reason that the Administrator considers appropriate, including but not limited to any one or more of the following reasons:

(i) the applicant is not a fit and proper person;

(ii) the applicant does not have the qualifications, experience or competence to perform the functions of, or carry out the work of, a practitioner as appropriate for the occupation and class of the licence being sought by the applicant;

(iii) the applicant is unlikely to maintain his or her skills and qualifications, or undertake any required continuing professional development, as appropriate for the occupation and class of the licence being sought by the applicant;

(iv) the applicant does not have, or is not likely to have, a sound and stable financial background;

(v) the applicant is not, or is not likely to be, covered by the insurance required under section 27;

(vi) the applicant does not satisfy, or is not likely to satisfy, any applicable requirement of a determination under section 31 or any prescribed requirement;

(vii) the applicant has previously had a licence, or similar accreditation

as a practitioner, refused, suspended or cancelled, in Tasmania or in another State or a Territory.

(2) Unless otherwise agreed with the applicant, the Administrator is to make a decision within 21 days after receiving the application.

(3) If the Administrator refuses the application, the Administrator is to give the applicant written notice setting out the reasons for the refusal.

(4) The applicant may request the Administrator to review the decision and, if he or she is not satisfied with the review, the applicant may appeal to the Tasmanian Civil and Administrative Tribunal under section 82.

37AA. Deemed registration of practitioners

(1) In this section –

occupation has the meaning it has in section 4(1) of the *Mutual Recognition Act 1992* of the Commonwealth;

participating jurisdiction has the meaning it has in section 4(1) of the *Mutual Recognition Act 1992* of the Commonwealth.

(2) A person who intends to carry out work as a practitioner in the State by virtue of holding deemed registration must notify the

Administrator of the person's entitlement to hold deemed registration, and intent to carry out any prescribed work of the relevant occupation and class in this State, before the person carries out the work.

Penalty: Fine not exceeding 10 penalty units.

(3) A notification under subsection (2) –

(a) must be in a manner approved by the Administrator; and

(b) must be in a form approved by the Administrator; and

(c) is to contain any information that the Administrator considers necessary.

(4) If there is a change in the information provided by a person in a notification to the Administrator under subsection (2), the person must, as soon as practicable, in a form approved by the Administrator, notify the Administrator of the change.

Penalty: Fine not exceeding 10 penalty units.

(5) A person who holds a practitioner's licence by virtue of holding deemed registration must not carry out any prescribed work of the relevant occupation and class in this State unless the work is within the scope of the work that the person is authorised to carry out for that occupation in the relevant participating jurisdiction.

Penalty: Fine not exceeding 10 penalty units.

(6) If a person is found guilty of an offence against subsection (2), (4) or (5), the Administrator may –

(a) suspend or cancel the deemed registration held by the holder of the practitioner's licence; and

(b) disqualify the person from holding a practitioner's licence by virtue of holding deemed registration for a specified period or until the person fulfils a specified condition.

(7) The Administrator may, at any time, request a person who holds a practitioner's licence by virtue of holding deemed registration to provide the Administrator with any information that the Administrator requires in relation to the maintenance of the person's skills and any continuing professional development undertaken by the person.

Division 3A – Building services licences

37A. Application for building services licence

(1) Subject to subsection (4), an application for a building services licence is to be –

(a) made to the Administrator in an approved form; and

(b) accompanied by the prescribed fee.

(2) The application –

(a) is to state the occupation and class of building services work for which the licence is sought; and

(b) is to be accompanied by any information required by the Administrator relating to –

(i) the applicant's qualifications, experience and competence to perform the functions of, or carry out the work of, the relevant occupation and class; and

(ii) the applicant's capacity, competence and fitness, including whether the applicant has a sound and stable financial background, to carry out building services work of that occupation and class; and

(iii) the maintenance of the applicant's skills and continuing professional development.

(3) The Administrator may, as a condition of issuing a building services licence, require the applicant to show satisfactory completion of an approved course of training.

(4) A person who is entitled to hold a building services licence by virtue of holding deemed registration is not required to make an

application for the building services licence in accordance with this Act.

37B. Determination of application

(1) On receipt of an application for a building services licence, the Administrator must consider the application and –

(a) may issue an appropriate licence to the applicant, which may be unconditional or subject to any conditions that the Administrator considers appropriate; or

(b) may refuse the application if satisfied that the applicant –

(i) does not have the qualifications, experience or competence to perform the functions of, or carry out the work of, a building services provider as appropriate for the occupation and class of the licence being sought by the applicant; or

(ii) is not, or is not likely to be, covered by the insurance required under section 27; or

(iii) does not satisfy the prescribed requirements; or

(iv) has previously had a licence, or similar accreditation as a building

services provider refused, suspended or cancelled, in Tasmania or in another State or a Territory.

(2) Unless otherwise agreed with the applicant, the Administrator is to make a decision within 21 days after receiving the application.

(3) If the Administrator refuses the application, the Administrator is to give the applicant written notice setting out the reasons for the refusal.

(4) The applicant may request the Administrator to review the decision and, if he or she is not satisfied with the review, the applicant may appeal to the Tasmanian Civil and Administrative Tribunal under section 82.

37C. Certain organisations may apply for building services licence

(1) The following organisations may apply for a building services licence:

(a) a body corporate (including the Crown);

(b) a partnership;

(c) a council.

(2) An application under subsection (1) is to –

(a) be made to the Administrator in an approved form; and

(b) be accompanied by the prescribed fee; and

(c) nominate a person to be the licensed person of the licensed entity; and

(d) be accompanied by any information required by the Administrator in relation to the application.

(3) A person may only be nominated as a licensed person under subsection (2)(c) if –

(a) in the case of a body corporate, the person is a director of the body corporate who holds a building services licence; or

(b) in the case of a partnership, the person is a partner of the partnership who holds a building services licence; or

(c) in the case of a council, the person is a person employed or engaged by the council who holds a building services licence.

(4) The Administrator is to –

(a) only issue a building services licence in respect of an application under subsection (1) if the Administrator accepts the nominated person as the licensed person of the licensed entity; and

(b) otherwise deal with an application made in accordance with this section as if the application were made by a natural person.

(5) Unless otherwise specified in this Act, a building services licence, issued in respect of a licensed entity, ceases to have effect if the licensed person of the licensed entity –

(a) ceases, or is to cease, to be the licensed person of the licensed entity; or

(b) dies; or

(c) has been disqualified from managing corporations under Part 2D.6 of the Corporations Act.

(6) Subsection (5) does not apply to a licensed entity in respect of an event specified in that subsection if –

(a) the licensed entity notifies the Administrator of that event in accordance with section 37D(2); or

(b) at the time the event occurred –

(i) the licensed entity is a council of a municipal area; and

(ii) a person has been appointed, under section 24 of the *Building Act 2016*, as the permit authority for the municipal area; and

(iii) that appointment is in force under that Act.

(7) Nothing in this section prevents one person from being a licensed person in respect of one or more licensed entities if each of those licensed entities is a council.

(8) On the commencement of Part 2 of the *Residential Building (Miscellaneous Consumer Protection Amendments) Act 2023* –

(a) a council is taken to have been issued with a building services licence under this section; and

(b) a licence referred to in paragraph (a) is taken to be in force for a period of 24 months, unless sooner suspended or cancelled under this Act; and

(c) within 7 days of the commencement of that Part, the council is to nominate a person employed or engaged by the council, who holds a building services licence, to be the licensed person for the council.

37D. Continuation of building services licence held by certain organisations

(1) In this section –

prescribed period means 28 days or such other period prescribed in the regulations, if any;

relevant event, in relation to a licensed person of a licensed entity, means an event specified in section 37C(5).

(2) A licensed entity must notify the Administrator in writing as soon as practicable after becoming aware that a relevant event has occurred, or is to occur, in respect of the licensed person of the licensed entity.

(3) A notice under subsection (2) –

(a) is to specify the date on which the relevant event occurred or is to occur; and

(b) may include –

(i) the surrender of the building services licence of the licensed entity; or

(ii) a nomination of a person to be the licensed person of the licensed entity; or

(iii) a nomination of a permanent employee of the licensed entity, who holds a building services licence, to be the temporary licensed person of the licensed entity.

(4) At any stage before the expiry of the prescribed period after a relevant event notified by a licensed entity under subsection (2), the licensed entity may, by notice in writing to the Administrator –

(a) surrender the building services licence of the licensed entity; or

(b) nominate a person to be the licensed person of the licensed entity; or

(c) nominate a permanent employee of the licensed entity, who holds a building services licence, as the temporary licensed person of the licensed entity.

(5) The Administrator must cancel the building services licence of a licensed entity at the expiry of the prescribed period after a relevant event notified under subsection (2) unless –

(a) the licence has been surrendered; or

(b) the Administrator accepts the person nominated under subsection (3)(b)(ii) or subsection (4)(b) as the licensed person of the licensed entity; or

(c) the Administrator accepts the person nominated under subsection (3)(b)(iii) or subsection (4)(c) as the temporary licensed person of the licensed entity; or

(d) if the licensed entity is a council of a municipal area, a person has been

appointed, under section 24 of the *Building Act 2016*, as the permit authority for the municipal area.

(6) If the Administrator accepts a person nominated under subsection (3)(b)(iii) or subsection (4)(c), the licensed entity must, within three months of that nomination, nominate a person as the licensed person of the licensed entity.

(7) If the Administrator does not accept a person nominated as the licensed person under subsection (6), the Administrator must cancel the building services licence held by the licensed entity.

(8) The Administrator is to notify a licensed entity of the cancellation of the building services licence held by the licensed entity under subsection (5) or (7) by notice in writing to the licensed entity that specifies –

(a) that the licence is cancelled; and

(b) the reason for cancelling the licence.

37E. Deemed registration of holder of building services licence

(1) In this section –

occupation has the meaning it has in section 4(1) of the *Mutual Recognition Act 1992* of the Commonwealth;

participating jurisdiction has the meaning it has in section 4(1) of the *Mutual Recognition Act 1992* of the Commonwealth.

(2) A person, or an organisation, that intends to carry out work as a practitioner in the State by virtue of holding deemed registration must notify the Administrator of the person's entitlement to hold deemed registration, and intent to carry out any building services work in this State, before the person carries out the work.

Penalty: Fine not exceeding 10 penalty units.

(3) A notification under subsection (2) –

(a) must be in a manner approved by the Administrator; and

(b) must be in a form approved by the Administrator; and

(c) is to contain any information that the Administrator considers necessary.

(4) If there is a change in the information provided by a person in a notification to the Administrator under subsection (2), the person must, as soon as practicable, in a form approved by the Administrator, notify the Administrator of the change.

Penalty: Fine not exceeding 10 penalty units.

(5) A person who holds a building services licence by virtue of holding deemed registration must not carry out any building services work in this State unless the work is within the scope of the work that the person is authorised to carry out for that occupation in the relevant participating jurisdiction.

Penalty: Fine not exceeding 10 penalty units.

(6) If a person is found guilty of an offence against subsection (2), (4) or (5), the Administrator may –

(a) suspend or cancel the deemed registration held by the person; and

(b) disqualify the person from holding a building services licence by virtue of holding deemed registration for a specified period or until the person fulfils a specified condition.

(7) The Administrator may, at any time, request a person who holds a building services licence by virtue of holding deemed registration to provide the Administrator with any information that the Administrator requires in relation to the maintenance of the person's skills and any continuing professional development undertaken by the person.

Division 4 – Offences related to occupational licensing

38. Offences

(1) A person must not hold himself, herself or any other person out as a practitioner, building services provider or a contractor, or as a nominated manager or authorised officer, when that is not the case.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 150 penalty units; or

(b) an individual, a fine not exceeding 75 penalty units.

(2) A person must not represent that he or she or any other person is prepared to enter into a contract to carry out any prescribed work unless the intended contractor holds a contractor's licence of the relevant occupation and class.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 400 penalty units; or

(b) an individual, a fine not exceeding 200 penalty units.

(3) An applicant for a licence must not represent that he or she holds a qualification, certificate, accreditation, registration or licence when that is not the case.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 150 penalty units; or

(b) an individual, a fine not exceeding 75 penalty units.

(3A) A person must not represent that the person is a contractor, holds a building services licence, or holds a practitioner's licence by virtue of the person holding deemed registration, if that is not the case.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 150 penalty units; or

(b) an individual, a fine not exceeding 75 penalty units.

(3B) A person who is a contractor, who holds a building services licence or who holds a practitioner's licence by virtue of the person holding deemed registration must not carry out any work in this State that is not within the scope of the work that the person is authorised to carry out in the relevant participating jurisdiction.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 150 penalty units; or

(b) an individual, a fine not exceeding 75 penalty units.

(3C) If a person is a contractor, holds a building services licence or holds a practitioner's licence by virtue of the person holding deemed registration, the person must comply with the requirements of the participating jurisdiction that are applicable to the contractor, or the holder of the building services licence or practitioner's licence, respectively.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 150 penalty units; or

(b) an individual, a fine not exceeding 75 penalty units.

(3D) If a person is found guilty of an offence against subsection (3B), or fails to comply with subsection (3C), the Administrator may –

(a) suspend or cancel the person's entitlement to be a contractor, hold a building services licence or hold a practitioner's licence by virtue of holding deemed registration; and

(b) disqualify the person from being a contractor, holding a building services licence or holding a practitioner's licence by virtue of the person holding deemed registration for a specified period or until the person fulfils a specified condition.

(4) A person must not materially alter or deface a licence.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 150 penalty units; or

(b) an individual, a fine not exceeding 75 penalty units.

(5) A person must not impersonate an authorised officer.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 150 penalty units; or

(b) an individual, a fine not exceeding 75 penalty units.

(6) In providing any information, statement, report or document under this Act, a person must not –

(a) provide it knowing it to be false or misleading; or

(b) omit any matter knowing that without that matter the information, statement, report or document is false or misleading.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 200 penalty units; or

(b) an individual, a fine not exceeding 125 penalty units.

(7) A person must not use a building services licence granted to another person for the purposes of –

(a) entering into a contract for building services work; or

(b) managing or carrying out building services work; or

(c) making an application under the *Building Act 2016*; or

(d) providing notification or other information under the *Building Act 2016*; or

(e) obtaining authorisation under the *Building Act 2016* to start work.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 400 penalty units; or

(b) an individual, a fine not exceeding 200 penalty units.

(8) The holder of a building services licence must not permit the use of that licence by any other person for the purposes of the other person –

(a) entering into a contract for building services work; or

(b) managing or carrying out building services work; or

(c) making an application under the *Building Act 2016*; or

(d) providing notification or other information under the *Building Act 2016*; or

(e) obtaining authorisation under the *Building Act 2016* to start work.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 400 penalty units; or

(b) an individual, a fine not exceeding 200 penalty units.

(9) Subsections (7) and (8) do not prohibit the use of a building services licence by a person as part of the ordinary business activities of the holder of that building services licence.

39. Vicarious liability

(1) Where a person commits an offence against this Act –

(a) any other person who has the management or control of the offender; or

(b) any person who is a nominated manager in respect of the offender –

is also guilty of that offence and liable to a penalty not exceeding the maximum penalty prescribed for the offence.

(1A) If a licensed entity commits an offence under this Act –

(a) if the licensed entity is a body corporate, each director or manager of the licensed entity; or

(b) if the licensed entity is a partnership, each partner of the licensed entity; or

(c) if the licensed entity is a council, each person who has the management or control of the licensed person for the licensed entity –

is taken to have committed the offence and is punishable accordingly, whether or not proceedings have been brought against the licensed entity.

(2) It is a defence to a charge for an offence arising under subsection (1) or (1A) if the person charged can show that he or she could not, by the exercise of reasonable diligence, have prevented the commission of the offence.

(3) A person who under subsection (1) or (1A) is charged with an offence against this Act may be convicted of the offence whether or not proceedings have been brought against any other person.

(4) Subject to subsection (1A), if a body corporate commits an offence against this Act –

(a) each director or manager of the body corporate who authorised or permitted the offence is also guilty of an offence and is liable to a penalty not exceeding the maximum prescribed for the body corporate's offence; and

(b) a director or manager of the body corporate may be convicted of an offence under this section whether or not proceedings have been brought against the body corporate.

Division 5 – General provisions about licences

40. Power to add, &c., conditions of licence

(1) The Administrator may, at any time, by written notice given to a licence holder, apply a condition to his or her licence or vary or remove a condition of the licence.

(2) A licence holder must not contravene a condition of his or her licence.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 150 penalty units; or

(b) an individual, a fine not exceeding 75 penalty units.

(3) For the avoidance of doubt, this section applies to a person who holds a licence by virtue of holding deemed registration.

41. Certificate of identification

(1) The Administrator is to issue to a licence holder a certificate of identification in an approved form.

(2) The certificate of identification may, if the Administrator considers it appropriate, be incorporated in a licence issued on an application for the grant or renewal of the licence.

(3) A person must not materially alter or deface a certificate of identification granted or issued under this Act.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 150 penalty units; or

(b) an individual, a fine not exceeding 75 penalty units.

(4) For the avoidance of doubt, this section applies to a person who holds a licence by virtue of holding deemed registration.

42. Term of licence

(1) Subject to subsection (2), a practitioner's licence, a building services licence or a contractor's licence may be granted for a period, not exceeding 3 years, specified in the licence.

(2) A practitioner's licence, a building services licence or a contractor's licence that is held by a person by virtue of holding deemed registration is valid for the period in respect of which the deemed registration is in force.

43. Renewal of licence

The Administrator may, on application by a licence holder, who does not hold the licence by virtue of holding deemed registration, and who can show continuing professional development satisfactory to the Administrator, renew the licence for a further period, not exceeding 3 years.

44. Surrender of licence

(1) A licence holder may, by written notice to the Administrator, surrender the licence.

(2) Within 10 days after surrender of a licence, the licence holder must return the licence and the certificate of identification issued under section 41(1) to the Administrator.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 50 penalty units; or

(b) an individual, a fine not exceeding 20 penalty units.

45. Duplicate certificate of identification

Where the Administrator is satisfied that a licence holder, including a person who holds a licence by virtue of holding deemed registration, has lost or misplaced his or her certificate of identification, the Administrator may issue a duplicate certificate of identification to him or her.

46. Cancellation of licence

(1) The Administrator may, by notice in writing given to a licence holder, cancel the licence if any of the statements or information contained in the licence holder's application for the licence is materially false or misleading.

(1A) In the case of a licence held by a person by virtue of holding deemed registration, the Administrator may, by notice in writing given to the person, cancel the licence if the Administrator is satisfied that the person –

(a) does not have sufficient material and financial resources available to enable them to comply with the requirements of this Act; or

(b) has ceased to carry on the business to which the licence relates; or

(c) has provided any information to the Administrator that is materially false or misleading.

(2) The cancellation of a licence does not render unlawful any prescribed work carried out by a person before he or she receives notice of the cancellation.

47. Production of certificate of identification

(1) A licence holder must, at the request of the Administrator and within such time as the Administrator may require, produce to the Administrator any certificate of identification issued to him or her under section 41.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 50 penalty units; or

(b) an individual, a fine not exceeding 20 penalty units.

(1A) In the case of a licence held by a person by virtue of holding deemed registration, the licence holder must, at the request of the Administrator and within such time as the Administrator may require, produce to the Administrator any certificate of identification, or similar document, issued to that person in relation to that licence.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 50 penalty units; or

(b) an individual, a fine not exceeding 20 penalty units.

(2) A person who is carrying out, proposes to carry out or has carried out any prescribed work must, on demand, by –

(a) the Administrator; or

(b) an authorised officer; or

(c) the owner or occupier of any relevant premises; or

(d) a person with whom the licence holder has contracted or proposes to contract to carry out the prescribed work –

produce to him or her any certificate of identification issued to him or her under section 41.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 50 penalty units; or

(b) an individual, a fine not exceeding 20 penalty units.

(3) A person who is carrying out, proposes to carry out, or has carried out, any prescribed work must, on demand, by –

(a) the Administrator; or

(b) an authorised officer; or

(c) the owner or occupier of any relevant premises; or

(d) a person with whom the licence holder has contracted or proposes to contract to carry out the prescribed work –

in the case of a licence held by a person by virtue of holding deemed registration, produce to the person who made the demand any certificate of identification issued to the licence holder in relation to that licence.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 50 penalty units; or

(b) an individual, a fine not exceeding 20 penalty units.

48. Licence not transferable

A licence is not transferable.

Division 6 – Registers

49. Registers

(1) For the purposes of this Act, the Administrator is to keep registers.

(2) One register is to include –

(a) the full name of the licence holder; and

(b) any preferred name of the licence holder; and

(c) the address of any premises used by the licence holder for the purposes of his or her business; and

(d) any business name used by the licence holder for the purposes of his or her business; and

(e) in the case of a practitioner or building services provider, his or her residential address; and

(ea) in the case of a licence held by a person by virtue of holding deemed registration, any information that the Administrator considers necessary in relation to the licence holder; and

(eb) any information that the Administrator considers necessary in relation to any person who is entitled to hold deemed registration; and

(f) such other information relating to the licence holder or the conduct of his or her business as the Administrator considers appropriate for the purposes of this Act.

(3) The information referred to in subsection (2)(b), (c), (d), (ea), (eb) and (f) is to be available to the public by means of a website operated by, or on behalf of, the Administrator but the information referred to in subsection (2)(a) and (e) is not to be so available.

(4) For the purposes of this Act, the Administrator is to keep another register giving details of –

(a) the Administrator's determinations in respect of classes of prescribed work; and

(b) the Administrator's determinations in respect of competencies and requirements; and

(c) the publication of any such determinations and any amendments to them; and

(d) codes of practice; and

(e) . . . . . .

(f) any infringement notice issued to a licence holder; and

(g) any disciplinary action against a licence holder under Division 2 of Part 9; and

(h) reports published and information disseminated on matters relating to the administration of this Act; and

(i) administrative guidelines as to the disclosure of information in a register; and

(j) notices requiring insurance under section 27; and

(k) the constitution, meetings and procedure of disciplinary panels; and

(l) orders granting exemptions under section 99; and

(m) authorised officers; and

(n) any other information that the Administrator considers appropriate for the purposes of the Act.

(5) The information referred to in subsection (4)(a), (b), (c), (d), (g), (h), (i), (j), (k), (l) and (m) is to be available to the public by means of a website operated by, or on behalf of, the Administrator but the other information referred to in that subsection is not to be so available.

(5A) For the purposes of this Act, the Administrator is to keep a separate register of –

(a) the details of each owner builder permit issued under Part 3A; and

(b) such other information relating to the permit holder as the Administrator considers appropriate for the purposes of this Act.

(5B) The register kept under subsection (5A) is to only be made available to the Director of Building Control, and building surveyors and permit authorities within the meaning of the *Building Act 2016*.

(5C) The Administrator may keep a separate register containing any information that the Administrator considers necessary in relation to –

(a) a licence held by a person by virtue of holding deemed registration; and

(b) any person who is entitled to hold deemed registration.

(5D) If the Administrator considers it appropriate to do so, the information referred to in subsection (5C) is to be available to the public by means of a website operated by, or on behalf of, the Administrator.

(6) The Administrator must correct a mistake, error or omission in a register subject to the requirements, if any, of the regulations.

50. Access to registers

(1) The registers kept under section 49 may be kept in the form of, or as part of, a computer database or in any other form that the Administrator considers appropriate.

(2) Subject to sections 49 and 51, the registers are to be available for public inspection by means of the World Wide Web and by any other means determined by the Administrator.

51. Security of information in registers

(1) Information recorded in the registers is protected information if it is –

(a) personal information other than that which may identify the licence holder; or

(b) commercially sensitive information.

(2) The Administrator must not allow protected information to be divulged except as follows:

(a) as the Administrator considers appropriate in the public interest for the purposes of the administration of an Act of Tasmania, another State, a Territory or the Commonwealth;

(b) as authorised by the person to whom the information relates;

(c) as required by a court or other body or person authorised to take evidence;

(d) in accordance with administrative guidelines issued by the Administrator;

(e) as otherwise authorised by the Administrator.

52. Administrative guidelines

(1) The Administrator may issue administrative guidelines governing the disclosure of information (including protected information) from the registers kept under section 49.

(2) The Administrator may, from time to time, revise administrative guidelines issued under this section.

PART 5 – CODES OF PRACTICE

53. Codes of practice

(1) The Administrator may, by notice published in the *Gazette*, establish one or more codes of practice in respect of any occupation, trade or calling to which this Act applies but a code of practice is to be consistent with any other law relevant to the occupation, trade or calling.

(2) A code of practice may consist of the whole or a part of any code, standard, rule, specification or provision relating to any prescribed work formulated, prepared or adopted by the Administrator and may apply, incorporate or refer to any document formulated or published by any body or authority as in force at that time.

(3) The Administrator may, by notice published in the *Gazette*, amend any part of a code of practice or revoke a code of practice.

(4) A code of practice may contain requirements to be observed for –

(a) the level of supervision required of the holders of licences and other persons in performing prescribed work; and

(b) ensuring that the holders of licences and other persons acquire, maintain, further develop and apply their skills relating to the performance of prescribed work; and

(c) building services providers, in relation to –

(i) professional conduct, competence, diligence and integrity; and

(ii) professional responsibilities of each occupation and class of building services providers; and

(iii) compliance with legislation related to building services work; and

(iv) communication with all parties involved in building services work; and

(v) performance management of holders of a building services licence; and

(vi) conduct and behaviour of the holder of a building services licence.

(5) A code of practice may have effect by reference to the types of prescribed work or the degree of experience required of the contractors, practitioners or building services providers, and other persons concerned.

(6) Before establishing a code of practice, amending any part of a code of practice or revoking a code of practice, the Administrator may consult with the Board.

(7) The Administrator is to give notice in the *Gazette*, and in such daily newspapers circulating generally in Tasmania as the Administrator thinks fit, of –

(a) the approval of a code of practice; or

(b) the approval of the revision of the whole or a part of a code of practice; or

(c) the revocation of a code of practice.

(8) A notice under this section is not a statutory rule within the meaning of the *Rules Publication Act 1953*.

54. Certification of prescribed work

(1) The Administrator may, in accordance with the regulations, require that, on completion of any prescribed work, the responsible licence holder provides a certificate that the prescribed work complies with the relevant code of practice.

(2) A licence holder must comply with a requirement under subsection (1).

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 100 penalty units; or

(b) an individual, a fine not exceeding 50 penalty units.

PART 6 – REGULATION OF PRESCRIBED WORK

Division 1 – Inspection, investigation and rectification of prescribed work

55. Inspection and investigation of prescribed work

The Administrator may, either on complaint or on his or her own initiative, inspect and investigate the performance of any prescribed work and any alleged contravention of this Act.

56. Appointment of investigator

(1) For the purposes of this Act, the Administrator may appoint a person as an investigator on any terms and conditions that he or she considers appropriate.

(2) An investigator may be appointed to assist an authorised officer in the performance of his or her duties under this Act.

57. Power to make rectification order

(1) If the Administrator or an authorised officer is satisfied, on inspection and investigation, that any prescribed work, that is not building services work, is defective, the Administrator or authorised officer may make a rectification order or undertake any other action as prescribed.

(2) A rectification order –

(a) is to give reasons for the order; and

(b) is to give reasonable particulars of the work required to be carried out under the order so as to rectify the prescribed work; and

(c) may be made orally but must, as soon as practicable, be given in writing to the owner, occupier, licence holder or his or her agent.

(3) A person against whom a rectification order is made must comply with the order.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 250 penalty units; or

(b) an individual, a fine not exceeding 125 penalty units.

Division 2 – Emergency powers

58. Powers of authorised officers in emergency

(1) In an emergency, an authorised officer may take any action that he or she considers necessary to protect life or property.

(2) Without limiting the generality of subsection (1), an authorised officer may take any one or more of the following actions under that subsection:

(a) enter premises;

(b) disconnect a source of danger to life or property;

(c) carry out prescribed work on infrastructure or an installation;

(d) give any directions to the person in charge of infrastructure or an installation that may be necessary to make it safe;

(e) remove or cause to be removed a hazard that may cause danger to life or serious damage to property;

(f) give any directions that the authorised officer considers necessary to avert danger to life or property.

(3) A person to whom a direction is given under this section must comply with the direction.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 150 penalty units; or

(b) an individual, a fine not exceeding 75 penalty units.

Division 3 – Complaints

59. Complaints

(1) A person may make a complaint to the Administrator on the ground of defective work or a contravention of this Act by a licence holder, an authorised officer or a person appointed as an investigator under section 56.

(2) A complaint –

(a) is to be in writing; and

(b) is to contain particulars of the grounds of the complaint with a statement that the complainant consents to those particulars and all supporting documents being given to the person against whom the complaint is made; and

(c) if the complaint relates to defective work that is prescribed work, is to be made within one year of the completion of the prescribed work to which it relates.

(3) The Administrator may require the complainant to give further particulars of the complaint supported by a statutory declaration within such time as the Administrator may specify.

(4) The Administrator, by notice in writing given to the complainant, may dismiss any complaint without investigation if –

(a) further particulars are not given as required; or

(b) after preliminary inquiries, the Administrator has determined that the person against whom the complaint is made has no case to answer; or

(c) the complaint does not relate to a contravention of this Act; or

(d) the complaint is otherwise vexatious or frivolous –

and must dismiss the complaint if it does not contain the particulars and statement referred to in subsection (2)(b).

60. Notification of complaint

After receiving a complaint about a person mentioned in section 59(1), the Administrator, by written notice given to the person complained about, must –

(a) inform the person of the particulars of the complaint; and

(b) provide the person with any documents relating to the complaint; and

(c) invite the person to make, within 14 days or any longer period stated in the notice, written comments about the complaint –

and, if the Administrator is satisfied that there are compelling reasons for doing so, the Administrator may inform the person that he or she will withhold the identity of the complainant.

61. Investigation of complaints

(1) Subject to section 59, the Administrator, as soon as is reasonably practicable after receiving a complaint, must make inquiries and take any other action the Administrator considers necessary to investigate the matter.

(2) Before considering a complaint, the Administrator may require the complainant to demonstrate to the Administrator that –

(a) the complaint has been brought to the attention of, and considered by, the person mentioned in section 59(1); and

(b) a satisfactory resolution of the complaint could not be achieved.

Division 4 – Infringement notices

62. Infringement notices

(1) An authorised officer may serve an infringement notice on a person who is over the age of 16 years if of the opinion that the person has committed an offence under this Act that is prescribed as an offence for which an infringement notice may be issued.

(2) An infringement notice is not to relate to 4 or more offences.

(3) . . . . . .

(4) An infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.

63 - 69. . . . . .

Division 5 – . . . . . .

70 - 78. . . . . .

PART 7 – REVIEW OF DECISIONS

79. Reviewable decisions

(1) This Part applies to –

(a) any decision made by the Administrator for the purposes of section 13, section 29D, section 29E, section 34(1)(a) or (b), section 36(3), section 37(1)(a) or (b), section 37A(3), section 37B(1)(a) or (b), section 40(1), section 43, section 46(1) or section 57(1); and

(b) any decision made by an authorised officer for the purposes of section 57(1).

(2) For the purposes of this Part, a reference to a decision is taken to include a reference to any action taken to give effect to that decision.

(3) Where the Administrator or an authorised officer makes any decision or takes any action to which this Part applies, he or she must, by notice served on any person who is directly affected by the decision or action, notify him or her –

(a) of the decision or action and, if so requested, the reasons for it; and

(b) that the person may apply for a review of the decision or action under section 80.

80. Application for review of decision

(1) A person referred to in section 79(3) may apply to the Administrator to review a decision to which this Part applies.

(2) The application –

(a) is to be made in writing within 14 days after the date of service of a notice under section 79(3); and

(b) is to specify the reasons for the application.

(3) The Administrator may extend the period referred to in subsection (2) for making an application.

(4) Subject to any other enactment, the making of an application to the Administrator for a review of a decision to which this Part applies does not –

(a) affect the operation of the decision; or

(b) prevent the taking of any action to give effect to the decision.

(5) Despite subsection (4), the Administrator –

(a) may, by order, suspend the operation of the decision; and

(b) may order a stay of any proceeding under the decision.

(6) The Administrator may make the order –

(a) of his or her own motion; or

(b) on the application of the person who made the application for a review of the decision.

81. Review of decisions

(1) The Administrator must, within 45 days after receiving an application under section 80 for a review of a decision to which this Part applies, make a determination –

(a) substituting the decision with another decision; or

(b) confirming the decision; or

(c) revoking the decision.

(2) The Administrator must, by notice served on the applicant, notify the applicant of –

(a) the determination made; and

(b) the findings on material questions of fact; and

(c) the evidence or other material on which the findings are based; and

(d) the reasons for the determination; and

(e) the right to appeal to the Tasmanian Civil and Administrative Tribunal against the determination.

PART 8 – APPEALS

82. Appeal to Tasmanian Civil and Administrative Tribunal

A person who is directly affected by a decision taken by the Administrator may appeal to the Tasmanian Civil and Administrative Tribunal for a review of the decision.

83. Exclusion of right of appeal against certain determinations

No appeal lies against a determination under Division 1 of Part 4 or Part 5.

84. Enforcement of determination

The Administrator must give effect to a determination or order of the Tasmanian Civil and Administrative Tribunal under this Part.

PART 9 – LEGAL AND DISCIPLINARY PROCEEDINGS

Division 1 – Legal proceedings

85. Time for commencing prosecutions

Notwithstanding anything in any other Act, proceedings for an offence against this Act may not be instituted later than 2 years after an authorised officer becomes aware of the act or omission alleged to constitute the offence.

86. Evidentiary provisions

(1) A certificate apparently issued under the authority of the Administrator and certifying that a specified person was, or was not, the licence holder of a particular class at a specified time or premises or for a specified period is admissible in proceedings under this Act –

(a) as evidence of the facts so certified; and

(b) if the certificate contains information about the terms and conditions of the licence, as evidence of the information contained in the certificate.

(2) A certificate apparently issued under the authority of the Administrator and certifying that a specified licence was suspended, surrendered or cancelled on a particular date is admissible in proceedings under this Act as evidence of the fact so certified.

(3) A certificate apparently issued under the authority of the Administrator and certifying that a notice, report or other document was, or was not, given or received at or before a specified time or at specified premises is admissible in proceedings under this Act as evidence of the fact so certified.

(4) Where, in proceedings under this Act, an allegation in the complaint that, at a specified time or on specified premises, a person was an authorised officer is evidence of that fact.

(5) In proceedings for an offence against this Act, an allegation in the complaint that, at a specified time or premises –

(a) a person, practitioner or building services provider was an employee; or

(b) a person, practitioner or building services provider was an employer; or

(c) a person was a holder of a contractor's licence; or

(d) a person was a practitioner or building services provider; or

(e) a notice was given under this Act; or

(f) a notice required to be given under this Act was not given; or

(g) a prescribed fee has not been paid; or

(h) a person was an authorised officer; or

(i) an authorised officer became aware of an act or omission alleged to constitute an offence –

is evidence of that fact.

(6) In proceedings under this Act, proof of the required insurance cover lies on the person or licence holder charged with the offence.

(7) Where, in proceedings under this Act, it is alleged that a person contravened a provision of this Act in respect of which a code of practice was in effect at the time of the alleged contravention –

(a) if the code of practice refers to another document, any document purporting to be the document so referred to is admissible in evidence in those proceedings; and

(b) if the court is satisfied, in respect of any matter that it is necessary for the prosecution to prove in order to establish the alleged contravention, that –

(i) any provision of the code of practice is relevant to that matter; and

(ii) the person failed at any material time to observe that provision of the code of practice –

the matter is taken as proved unless the court is satisfied that, in respect of that

matter, the person complied with the relevant provision of this Act otherwise than by way of observance of the relevant provision of the code of practice.

(8) A document purporting to be published by or under the authority of a standards authority or to have effect under any other Act is, on its production in proceedings under this Act, evidence of the matters appearing in the document.

(9) For the purposes of this section, a reference to a certificate includes a reference to a notice and an order.

87. Offences by corporations and partnerships, &c.

(1) If a corporation commits an offence against this Act, each person who is an officer, or is concerned in the management, of the corporation is also guilty of the offence and liable to the penalty prescribed for the offence.

(2) It is a defence to a charge brought under subsection (1) against a person who is an officer, or is concerned in the management, of a corporation if that person proves that –

(a) the commission of the offence by the corporation occurred without the knowledge of the person; or

(b) the person was not in a position to influence the conduct of the corporation

in respect of the commission of the offence; or

(c) the person, being in such a position, used all reasonable diligence to prevent the commission of the offence by the corporation; or

(d) the corporation would not have been found guilty of the offence by reason of a defence available under this Act.

(3) A person who is an officer, or is concerned in the management, of a corporation may, under subsection (1), be proceeded against and be convicted of an offence whether or not the corporation has been proceeded against or convicted in respect of the offence.

(4) Where, in proceedings under this Act, it is necessary to establish the intention of a corporation, it is sufficient to show that an employee or agent of the corporation had that intention.

(5) If a partner in a partnership commits an offence against this Act in the course of the activities of the partnership, each other person who is a partner in the partnership is also guilty of the offence and liable to the penalty prescribed for the offence.

(6) If a person who is concerned in the management of an unincorporated association commits an offence against this Act in the course of the activities of the unincorporated association, each other person who is at the time of the

commission of the offence concerned in the management of the unincorporated association is also guilty of the offence and liable to the penalty prescribed for the offence.

(7) It is a defence to a charge brought under this section if the person charged proves that –

(a) the commission of the offence occurred without the knowledge of the person; or

(b) the person was not in a position to influence the conduct of the person who committed the offence; or

(c) the person, being in such a position, used all reasonable diligence to prevent the commission of the offence; or

(d) the person who committed the offence would not have been found guilty of the offence by reason of a defence available under this Act.

(8) In this section –

officer –

(a) in respect of a corporation within the meaning of the Corporations Act, has the same meaning as in section 9 of that Act; or

(b) in respect of a corporation which is not a corporation within the meaning of the Corporations Act, means any person, by whatever

name called, who is concerned or takes part in the management of the corporation –

and in either case includes any employee of the corporation who gives to the Administrator or authorised officer any information relating to any part of the operations of the corporation over which that employee exercises any supervision or control.

88. Enforcement of undertakings

(1) In this section –

Court means the Magistrates Court.

(2) The Administrator may accept a written undertaking given by a person for the purposes of this section in connection with a matter in respect of which the Administrator has a power or function under this Act.

(3) The person may withdraw or vary the undertaking at any time, but only with the consent of the Administrator.

(4) If the Administrator considers that the person who gave the undertaking has contravened any of its terms, the Administrator may apply to the Court for an order under subsection (5).

(5) If the Court is satisfied that the person has contravened a term of the undertaking, the Court may make all or any of the following orders:

(a) an order directing the person to comply with that term of the undertaking;

(b) an order directing the person to pay to the Administrator an amount not exceeding any financial benefit that the person has obtained directly or indirectly and that is reasonably attributable to the contravention;

(c) an order that the Court considers appropriate directing the person to compensate any other person who has suffered loss or damage as a result of the contravention;

(d) an order to suspend or cancel a licence;

(e) any other order that the Court considers appropriate.

(6) Where the Court has ordered a person to pay an amount under subsection (5), the amount is taken to be a judgment of the Court and enforceable under the *Magistrates Court (Civil Division) Act 1992*.

Division 2 – Disciplinary proceedings

89. Interpretation

In this Division, references to a licence holder include references to a former licence holder.

90. Proper cause for disciplinary action

(1) There is proper cause for disciplinary action against a contractor if –

(a) he or she is guilty of improper conduct; or

(b) it appears to the Administrator that the contractor has failed to ensure, or is not in a position to ensure, that any prescribed work carried out under his or her licence is properly managed or supervised; or

(ba) the Administrator is satisfied, on reasonable grounds, that the prescribed work of the contractor is the subject of, or may be the subject of, an order under Division 3 of Part 18 of the *Building Act 2016*; or

(bb) the Administrator is satisfied, on reasonable grounds, that the contractor –

(i) is a party to a settlement of a dispute that has been registered by the Director of Building Control under section 53 of the *Residential Building Work Contracts and Dispute Resolution Act 2016*; and

(ii) without lawful excuse, has failed to comply with the terms of the settlement of a dispute so registered; or

(bc) the Administrator is satisfied, on reasonable grounds, that the contractor has failed to comply with an order of the Tasmanian Civil and Administrative Tribunal that is in force in respect of the contractor; or

(c) the contractor is not a fit and proper person to hold a contractor's licence; or

(d) where the contractor is a body corporate, any officer of the body corporate is not a fit and proper person to be an officer of the body corporate.

(2) There is proper cause for disciplinary action against a practitioner, or building services provider, if –

(a) he or she is guilty of improper conduct; or

(b) he or she has given to any other person information relating to any prescribed work provided, or to be provided, by him or her that was false or misleading in a material particular; or

(c) the Administrator is satisfied that the practitioner, or building services provider, is not a fit and proper person to hold a practitioner's licence, building services licence; or

(ca) the Administrator is satisfied, on reasonable grounds, that the prescribed work of the practitioner, or building

services provider, is the subject of or may be the subject of –

(i) an order under Division 3 of Part 18 of the *Building Act 2016*; or

(ii) an order under section 209A of the *Building Act 2016*; or

(cb) the Administrator is satisfied, on reasonable grounds, that the practitioner, or building services provider –

(i) is a party to a settlement of a dispute that has been registered by the Director of Building Control under section 53 of the *Residential Building Work Contracts and Dispute Resolution Act 2016*; and

(ii) without lawful excuse, has failed to comply with the terms of the settlement of a dispute so registered; or

(cc) the Administrator is satisfied, on reasonable grounds, that the practitioner, or building services provider, has failed to comply with an order of the Tasmanian Civil and Administrative Tribunal that is in force in respect of the practitioner or provider; or

(cd) the Administrator is satisfied, on reasonable grounds, that the building services provider has failed to issue an

order as required under section 209A(2) of the *Building Act 2016*; or

(d) if the building services provider is a licensed entity, the Administrator is satisfied that a licensed person, employee or agent of the licensed entity –

(i) would be guilty of improper conduct; or

(ii) would not be a fit and proper person –

if he or she were a building services provider.

(3) A licence holder is guilty of improper conduct if –

(a) he or she contravenes a provision of this Act; or

(b) he or she contravenes a code of practice; or

(c) he or she is responsible for defective work; or

(d) he or she has given to any other person information relating to any prescribed work provided, or to be provided, by the licence holder that was false or misleading in a material particular.

91. Notice of intent to take disciplinary action

(1) If the Administrator believes, on reasonable grounds, that there may be cause for disciplinary action against a licence holder under this Part, the Administrator is to give the licence holder a notice of intent to take disciplinary action.

(2) A notice of intent under subsection (1) is to –

(a) be in writing; and

(b) specify –

(i) that the Administrator believes there is cause for disciplinary action; and

(ii) the reasons the Administrator has for believing that there is cause for disciplinary action against the licence holder; and

(iii) that the Administrator intends to refer the matter to the disciplinary panel under section 92; and

(iv) that the licence holder, within 28 days after receiving the notice of intent, may make a written response to the Administrator as to why the disciplinary action should not be taken; and

(v) the procedure to be followed by the licence holder in making such a written response.

(3) A licence holder who has been given a notice of intent may apply, in writing, to the Administrator for an extension of the period specified in subsection (2)(b)(iv) in respect of that notice of intent.

(4) After receiving a written application under subsection (3), the Administrator may, in respect of a notice of intent –

(a) grant a single extension of the period specified in subsection (2)(b)(iv) by such further period, not exceeding 14 days, as the Administrator considers appropriate in the circumstances; or

(b) refuse to grant an extension of the period specified in subsection (2)(b)(iv).

(5) After taking into account any written response made by a licence holder in accordance with subsection (2)(b), the Administrator may refer the matter specified in the notice of intent to the disciplinary panel under section 92.

92. Disciplinary panels

(1) The Administrator may establish disciplinary panels for the purposes of this Act.

(2) Before the Administrator takes disciplinary action against a licence holder –

(a) the Administrator must refer the matter to a disciplinary panel for its recommendation; and

(b) the panel must –

(i) consider the matters set out in the relevant notice of intent to take disciplinary action and the licence holder's written response, if any, to the notice; and

(ii) afford a reasonable opportunity for the Administrator and the licence holder to be present and heard; and

(iii) consider representations made by or on behalf of the Administrator and the licence holder; and

(iv) make a recommendation to the Administrator about whether disciplinary action should be taken and, if so, the nature of the disciplinary action; and

(c) the Administrator must consider the panel's recommendation.

93. Disciplinary action

(1) After considering a recommendation of a disciplinary panel, the Administrator may do any one or more of the following:

(a) administer a caution or a reprimand to a licence holder;

(b) require a licence holder to undergo a course of training specified by the Administrator;

(c) apply a condition to the licence, or add to, or alter, the conditions of the licence;

(d) suspend the licence for a period not exceeding the unexpired term of the licence or until compliance with another order made under this subsection;

(e) cancel the licence and disqualify the licence holder from holding a licence for a specified period;

(f) order rectification of defective work within a time specified in the order;

(g) order the licence holder to pay the reasonable costs of any investigation conducted by a person appointed under section 56, including the reasonable costs of that person attending the disciplinary panel.

(2) If an amount ordered to be paid by a licence holder as costs under subsection (1)(g) is not paid as directed by the order, that amount is taken to be a judgment of the Magistrates Court (Civil Division) and enforceable under the *Magistrates Court (Civil Division) Act 1992*.

94. Constitution, meetings and procedure of disciplinary panels

The Administrator may, from time to time, publish guidelines, not inconsistent with this Act, governing meetings and procedures of disciplinary panels.

PART 10 – FINANCIAL PROVISIONS

95. Recovery of fees, fines and costs

(1) The Administrator may waive, remit or refund part or all of a fee payable under this Act.

(2) A fee payable under this Act may be recovered as if it were a judgment of the Magistrates Court (Civil Division) and enforceable under the *Magistrates Court (Civil Division) Act 1992*.

(3) Where a person has been ordered to pay a fine or costs –

(a) by a court; or

(b) by the Administrator –

and the person is in default in payment of the fine or costs, the amount of the fine or costs is taken to be a judgment of the Magistrates Court (Civil Division) and enforceable under the *Magistrates Court (Civil Division) Act 1992*.

96. Payments to approved authorities or Occupational Licensing Administration Fund

(1) The Administrator is to establish a fund to be known as the Occupational Licensing Administration Fund into which there are to be paid –

(a) fees for the grant of licences; and

(b) any money paid by way of a fine for an offence against this Act; and

(c) any other money received by the Administrator in the administration of this Act.

(2) The Fund is to be managed by the Administrator.

(3) Any payments made in respect of an infringement notice –

(a) are payable to an approved authority, if the notice was served by the approved authority; or

(b) in any other case, are payable into the Fund.

(4) There may be paid from the Fund money that is required –

(a) for the payment or discharge of the expenses, charges and obligations incurred or undertaken by the Board in the performance of its functions or the exercise of its powers; and

(b) for the administration of this Act; and

(c) for any other purpose relating to occupational licensing matters.

PART 11 – MISCELLANEOUS AND SUPPLEMENTAL

97. Confidentiality

A person who obtains information in performing functions in the administration of this Act must not disclose the information unless the disclosure is made –

(a) for the purposes of –

(i) this or any other Act; or

(ii) a law of another jurisdiction, whether Australian or not, that corresponds to the relevant provisions of this Act; or

(b) with the consent of the person to whom the information relates; or

(c) for the purposes of legal proceedings; or

(d) in accordance with a requirement or authority made or conferred by law.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 100 penalty units; or

(b) an individual, a fine not exceeding 50 penalty units.

98. Contractors to keep register

(1) A contractor must keep in an approved form an accurate register of persons employed or engaged by the contractor to carry out prescribed work.

(2) The register is to contain full particulars of –

(a) each employee or practitioner, or person undergoing an approved course of training, who is engaged by the contractor; and

(b) the occupations and classes of prescribed work undertaken by each employee, practitioner or person undergoing an approved course of training; and

(c) the qualifications, competencies and continuing professional development of each employee, practitioner or person undergoing an approved course of training.

(3) A contractor must, at the request of an authorised officer, make the register available for inspection by the authorised officer within a period specified by the authorised officer.

(4) A contractor who fails to keep an accurate register, or to make it available for inspection within the period specified by the authorised officer, as required under this section is guilty of an offence.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 100 penalty units; or

(b) an individual, a fine not exceeding 50 penalty units.

(5) For the avoidance of doubt, this section applies to a person who is a contractor by virtue of holding deemed registration.

99. Exemptions

(1) The Administrator may make an order –

(a) exempting specified persons, or persons of a specified occupation and class of work, from the provisions of this Act or specified provisions of this Act; or

(b) exempting specified prescribed work, or prescribed work carried out by licence holders of a specified occupation and class, from the provisions of this Act or specified provisions of this Act; or

(c) varying or revoking an order previously made under this section.

(2) An order under this section –

(a) is to be published in the *Gazette*; and

(b) takes effect on publication in the *Gazette* or on a later date specified in the order; and

(c) is not a statutory rule within the meaning of the *Rules Publication Act 1953*.

(3) An exemption under this section –

(a) may be unconditional or subject to conditions stated in the order; and

(b) may be granted for a specified period or without limitation of its period of operation.

(4) A person who has the benefit of an exemption under this section must comply with any conditions of the exemption.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 400 penalty units; or

(b) an individual, a fine not exceeding 200 penalty units.

100. . . . . .

101. Immunity from liability

No liability attaches to the Crown, the Administrator, an authorised officer, a person appointed under section 56 of this Act or any other person appointed by the Administrator acting under this Act for an act done, or omission made, in good faith in performing or exercising, or purportedly performing or exercising, functions or powers under this Act.

102. Assistance from police officers

(1) A police officer may, on request by an authorised officer, assist the authorised officer in the exercise of powers under this Act.

(2) A police officer is, for the purposes of this Act, taken to be an authorised officer while acting under subsection (1).

103. Regulations

(1) The Governor may make regulations for the purposes of this Act.

(2) Without limiting the generality of subsection (1), the regulations may provide for the following:

(a) fees to be paid to the Administrator in the administration of this Act;

(b) contractors' licences, practitioners' licences, building services licences and owner builder permits;

(c) supervision of prescribed work and of any work associated with prescribed work;

(d) notification of carrying out prescribed work, rectification of prescribed work and inspection and investigation of prescribed work;

(e) standards of prescribed work;

(f) certificates of compliance to be provided by licence holders on completion of prescribed work;

(g) competency standards;

(h) acquisition, maintenance and further development of skills required to carry out any prescribed work;

(i) regulating or prohibiting the use of any words which may imply that a person is authorised to carry on an occupation, trade or calling to which this Act applies;

(j) proceedings under this Act;

(k) any matter necessary for, or incidental to, the winding-up of the Plumbers and Gas-fitters Registration Board –

and the regulations may also contain transitional and savings provisions providing for –

(l) any person who is registered, or holds a certificate or other qualification, under –

(i) the *Plumbers and Gas-fitters Registration Act 1951*; or

(ii) any other enactment relating to an occupation, trade or calling to which this Act applies –

to be taken to be the holder of an appropriate licence under this Act or a nominated manager under this Act;

(m) a requirement that any such person is to be covered by insurance as provided by sections 27 and 28;

(ma) any matter that is necessary or desirable arising from the *Occupational Licensing Amendment Act 2016*;

(n) any other matter that is necessary or desirable arising from the amendments set out in Schedule 6 or the repeal or rescission effected by Schedule 7 or 8.

(3) The regulations may adopt or incorporate, with or without modification, the provisions as in force at the time of the adoption or incorporation or as in force from time to time of –

(a) a law in force in another jurisdiction; or

(b) a standard, rule, code, specification, criterion or protocol issued or published by a body or authority specified in the regulations.

(4) The regulations may –

(a) provide that a contravention of any of the regulations is an offence; and

(b) in respect of any such offence, provide for the imposition of a fine not exceeding 200 penalty units for a body corporate and 100 penalty units for a natural person; and

(c) provide for the issue of infringement notices for offences specified in the regulations; and

(d) provide for the awarding of demerit points to a licence holder as a result of any disciplinary incident specified in the regulations.

(5) The regulations may provide for the payment, remitting, refunding and waiving of fees in respect of any matter under this Act.

(6) The regulations –

(a) may be of limited or general application; and

(b) may be made so as to apply differently, according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations; and

(c) may authorise any matter to be determined by the Administrator from time to time.

104. Transitional and savings provisions

(1) Part 1 of Schedule 5 has effect.

(2) Part 2 of Schedule 5 has effect.

(3) Part 3 of Schedule 5 has effect.

(4) Part 4 of Schedule 5 has effect.

105. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

(a) the administration of this Act is assigned to the Minister for Infrastructure, Energy and Resources; and

(b) the department responsible to that Minister in relation to the administration of this Act is the Department of Infrastructure, Energy and Resources.

106. Consequential amendments

(1) The *Building Act 2000* is amended as specified in Part 1 of Schedule 6.

(2) The *Building Act 2000* is further amended as specified in Part 2 of Schedule 6.

(3) The *Electricity Industry Safety and Administration Act 1997* is amended as specified in Part 3 of Schedule 6.

107. *See Schedule 7.*

108. Statutory Rule rescinded

The Statutory Rule specified in Schedule 8 is rescinded.

109. Further Statutory Rules rescinded

(1) The Statutory Rules specified in items 1 and 2 of Schedule 9 (continued in force as regulations by virtue of section 6(2) of the *Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995*) are rescinded.

(2) The Statutory Rules specified in items 3 and 4 of Schedule 9 are rescinded.

SCHEDULE 1 – . . . . . .

SCHEDULE 2 – OCCUPATIONS, TRADES AND CALLINGS TO WHICH THIS ACT APPLIES

Section 7(1), (1A) and (1B)

PART 1 – PERFORMANCE OF ELECTRICAL WORK

1. Work on the installation, repair, alteration or removal of an electrical circuit or associated fittings, equipment or accessories.

2. Work on the installation, repair, alteration or removal of electrical infrastructure including lines and wires for the generation, transmission or distribution of electricity and also including supporting and protective structures relating to any such equipment, lines or wires.

3. Work that is, by determination of the Regulator as defined in the *Electricity Supply Industry Act 1995*, to be regarded as specialist work.

PART 2 – PERFORMANCE OF GAS-FITTING WORK

Division 1 – Domestic, commercial or industrial

1. Work carried out in connection with the installation, commissioning, relocation, repair, modification, maintenance or disconnection of a gas installation to convey liquefied petroleum gas, compressed natural gas, liquefied natural gas, hydrogen gas or calorific gas, or any part of that gas installation, including work on –

(a) any pipe or system of pipes for, or incidental to, the conveyance of gas and components or fittings associated with the pipe or pipes which are downstream from the gas supply point; and

(b) any one or more of the following:

(i) any appliance and associated components or fittings which are downstream from the gas supply point;

(ii) any meter which is downstream from the gas supply point;

(iii) any means of ventilation or system for the removal of combustion products which is downstream from the gas supply point.

Division 2 – Automotive gas systems

1. Work involved in –

(a) the installation, alteration, extension, disconnection or repair of an autogas installation; or

(b) the connection of a gas cylinder to, or the disconnection of a gas cylinder from, an autogas installation –

including work on a system of pipes and associated equipment that forms part of a vehicle, vessel or machine that is designed to

convey liquefied petroleum gas, compressed natural gas, liquefied natural gas or hydrogen gas to an internal combustion engine, or a fuel cell, that is installed in, or forms part of, the vehicle, vessel or machine.

PART 3 – PERFORMANCE OF PLUMBING WORK

1. Any work relating to installing, altering, maintaining or disconnecting a plumbing installation, including work on the following systems:

(a) heating, ventilation and airconditioning (including heater, ventilation and airconditioning systems);

(b) hydraulic;

(c) liquid fuel;

(d) medical gas, including vacuum;

(e) on-site waste water management (including on-site waste water management systems and on-site liquid trade waste systems);

(f) pneumatic;

(g) refrigeration;

(h) reticulated, including steam;

(i) sanitary plumbing and drainage (including sanitary plumbing systems and sanitary drainage systems);

(j) stormwater drainage (including a roof gutter, roof valley, metal roof ridge, metal roof weathering, a roof downpipe and any flashing associated with any such gutter, valley, ridge, weathering or downpipe) and surface and subsurface drainage systems;

(k) systems utilising commercially available gases;

(l) water services (including cold water services, heated water services, non-drinking water services and firefighting water services).

PART 4 – PERFORMANCE OF BUILDING SERVICES WORK

1. Performance of building work including the construction, or demolition, of buildings or temporary structures.

2. Design of premises, buildings, building work, temporary structures, plumbing work or plumbing installations.

3. Inspection, testing, assessment and certification of premises, buildings, building work, temporary

structures, plumbing work or plumbing installations.

4. Providing authorisations or approvals to perform building work, or demolition work or plumbing work, on premises, buildings, temporary structures or plumbing installations.

SCHEDULE 3 – ACTS CONTINUING TO HAVE EFFECT

Section 7(5)

Building Act 2016

Electricity Industry Safety and Administration Act 1997

Gas Safety Act 2019

SCHEDULE 4 – CONSTITUTION, MEMBERSHIP AND MEETINGS OF BOARD

Section 14(3)

1. Constitution of Board

The Board is to consist of –

(a) the Administrator; and

(b) at least 6, but not more than 8, other members appointed by the Minister on the advice of the Administrator.

2. Qualifications for membership

(1) A person is not eligible for appointment as a member of the Board under clause 1(b) unless –

(a) the person has significant qualifications, knowledge and experience relevant to the Board's functions; or

(b) where, under section 7(2), an occupation, trade or calling is added to Schedule 2, the person has, in the opinion of the Minister, knowledge and experience relevant to that occupation, trade or calling.

(2) The members of the Board must collectively have significant qualifications, knowledge and experience, with respect to the occupations, trades and callings to which this Act applies, relating to practitioners, building services

providers, contractors, training, infrastructure, law, administration, consumer affairs, local government and insurance.

3. Chairperson

The Chairperson of the Board is the Administrator.

4. Conditions of membership

(1) Each member of the Board appointed under clause 1(b) –

(a) is to be appointed by the Minister for a term not exceeding 3 years stated in the instrument of appointment; and

(b) is entitled to be paid remuneration and travelling allowances fixed by the Minister from time to time in respect of that member; and

(c) is not, as a member of the Board, subject to the *State Service Act 2000*.

(2) A member of the Board appointed under clause 1(b) is eligible for reappointment at the end of a term of appointment.

(3) A member of the Board appointed under clause 1(b) –

(a) may resign by written notice to the Minister; and

(b) may be removed by the Minister on the advice of the Administrator for incapacity or misbehaviour or on the ground that he or she ceases to hold any qualification by virtue of which he or she was appointed.

5. Disclosure of pecuniary interests

(1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Board, other than a determination as to the remuneration and allowances payable to a member, is required, as soon as possible after the relevant facts have come to the member's knowledge, to disclose the nature of the interest at a meeting of the Board if the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter.

(2) A disclosure by a member at a meeting of the Board that the member –

(a) is a member, or is in the employment, of a specified company or other body; or

(b) is a partner, or is in the employment, of a specified person; or

(c) has some other specified interest relating to a specified company or other body or a specified person –

is sufficient disclosure of the nature of the interest in any matter or thing relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under subclause (1).

(3) Particulars of any disclosure made under this section are to be recorded in a book kept for the purpose and that book is required to be open at all reasonable hours for inspection by any person on payment of a fee determined by the Board.

(4) After a member has disclosed the nature of an interest in any matter or thing under subclause (1), the member may not, unless the other members of the Board concerned otherwise determine, be present during any deliberation, or take part in any decision, of the Board with respect to that matter or thing.

(5) For the purposes of the making of a determination by other members under subclause (4), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates may not –

(a) be present during any deliberation of those members for the purposes of making the determination; or

(b) take part in the making of the determination by the other members.

6. Power of Board to determine procedure

Except as provided in this Schedule, the Board may determine its own procedure.

SCHEDULE 5 – TRANSITIONAL AND SAVINGS PROVISIONS

Section 104(1), (2) and (3)

PART 1 – PROVISIONS RELATING TO *ELECTRICITY INDUSTRY SAFETY AND ADMINISTRATION ACT 1997*

1. Saving for licences under *Electricity Industry Safety and Administration Act 1997*

Where, immediately before the commencement of section 104(1), a person held a licence under the *Electricity Industry Safety and Administration Act 1997*, that licence is taken to be a licence granted under this Act on the same terms and conditions.

2. Saving for nominated managers under *Electricity Industry Safety and Administration Act 1997*

Where, immediately before the commencement of section 104(1) –

(a) a person held an electrical contractor's licence under the *Electricity Industry Safety and Administration Act 1997*; and

(b) in the course of carrying on business as an electrical contractor had arranged for the business to be under the management and supervision of a nominated manager in accordance with section 18 of that Act –

the person acting as the nominated manager is taken to have been named as such in any licence granted under this Act.

PART 2 – PROVISIONS RELATING TO *WORKPLACE HEALTH AND SAFETY ACT 1995*

1. Saving for certificates of competency under *Workplace Health and Safety Act 1995*

Where, immediately before the commencement of section 104(2), a person held a certificate of competency under the *Workplace Health and Safety Act 1995*, he or she is taken to hold a licence under the *Occupational Licensing Act 2005* on the same terms and conditions.

PART 3 – PROVISIONS RELATING TO PLUMBERS AND GAS-FITTERS REGISTRATION BOARD AND *PLUMBERS AND GAS-FITTERS REGISTRATION ACT 1951*

1. Funds held by Plumbers and Gas-fitters Registration Board

Any funds held by the Plumbers and Gas-fitters Registration Board on the commencement of section 104(3) are to be paid to the Administrator to the credit of the Occupational Licensing Administration Fund.

2. Saving for registration under *Plumbers and Gas-fitters Registration Act 1951*

Where, immediately before the commencement of section 104(3), a person was registered as a plumber or gas-fitter under the *Plumbers and Gas-fitters Registration Act 1951*, he or she is taken to be a licence holder under the *Occupational Licensing Act 2005* on the same terms and conditions.

3. Winding-up of Plumbers and Gas-fitters Registration Board

(1) Notwithstanding the repeal effected by section 107, the Plumbers and Gas-fitters Registration Board continues in existence but only for the purpose of performing its functions under this clause.

(2) As soon as practicable after the commencement of this Part and, in any case, within 12 months after that commencement, the Plumbers and Gas-fitters Registration Board must –

(a) prepare its final report and financial statements under the *Financial Management and Audit Act 1990*; and

(b) do any other act, matter or thing necessary to wind itself up including, without limitation, exercising the power –

(i) to realise its assets and discharge its liabilities; and

(ii) to employ staff; and

(iii) to execute a contract, deed or other document necessary for its winding-up.

(3) Where the Minister is satisfied that the Plumbers and Gas-fitters Registration Board has complied with this clause and that there has been a satisfactory audit of the financial statements referred to in subclause (2)(a), the Minister may, by notice published in the *Gazette*, declare that the Plumbers and Gas-fitters Registration Board is dissolved.

PART 4 – PROVISIONS RELATING TO THE *OCCUPATIONAL LICENSING AMENDMENT ACT 2016*

Division 1 – Savings and transitionals for accredited building practitioners and related matters

1. Savings for building practitioners accredited under the *Building Act 2000*

(1) In this clause –

transitioned licence means a building services licence that is taken to be issued by virtue of subclause (2).

(2) If, immediately before the commencement of Division 3A of Part 4 of this Act, a person was accredited under Part 4 of the *Building Act 2000* as an accredited building practitioner –

(a) that person is taken to be, on and after the commencement of that Division, the holder of a building services licence issued under this Act on the same terms and conditions; and

(b) a certificate of accreditation issued to the person under section 27 of the *Building Act 2000*, and in force immediately before the commencement of that Division, is taken to be a licence issued to the person by the Administrator under section 37B(1)(a) of this Act on the same terms and conditions.

(3) If a transitioned licence is to expire within 3 months of the commencement of Division 3A of Part 4 of this Act, the transitioned licence remains in effect until the expiry of the period of 3 months after the commencement of that Division unless sooner renewed, surrendered or cancelled under this Act.

(4) The holder of a transitioned licence is taken to hold the insurance required under section 27 of this Act if the holder of a transitioned licence holds insurance cover that complies with the order under section 48 of the *Building Act 2000* while that order remains in effect in accordance with clause 8 of this Part.

(5) For the purpose of determining the continuing professional development of the holder of a transitioned licence, the Administrator may take into account any professional development undertaken by such a licence holder, before the

commencement of Division 3A of Part 4 of this Act, as part of his or her accreditation as a building practitioner under the *Building Act 2000*.

2. Applications under the *Building Act 2000* for accreditation as building practitioner

(1) An application made to the Director of Building Control under section 26 of the *Building Act 2000* to be an accredited building practitioner that had yet to be determined under that Act before the commencement of Division 3A of Part 4 of this Act –

(a) is taken to be an application to the Administrator under section 37A of this Act for a building services licence of the relevant occupation and class; and

(b) may be considered, dealt with and determined in all respects under this Act as if the application were originally made under this Act.

(2) The Administrator may issue a building services licence of the relevant occupation and class, in respect of an application referred to in subclause (1), if the Director of Building Control may have granted the application under the *Building Act 2000* had the application been determined before the commencement of Division 3A of Part 4 of this Act.

Division 2 – Savings and transitionals for owner builders and related matters

3. Savings for owner builders under *Building Act 2000*

(1) In this clause –

relevant Acts means –

(a) this Act; and

(b) the *Building Act 2016*.

(2) Where, immediately before the commencement of Part 3A of this Act, a person was registered as an owner builder under Division 3 of Part 4 of the *Building Act 2000*, the provisions of that Act, except section 30E, as in force immediately before the commencement of the *Building Act 2016* are to remain in effect in respect of that registration.

(3) The relevant Acts do not apply to work performed under a registration referred to in subclause (2) if that work is performed in accordance with –

(a) that registration; and

(b) the *Building Act 2000* as in force immediately before the commencement of the *Building Act 2016*.

4. Applications for registration as owner builder under *Building Act 2000*

(1) If an application made to the Director of Building Control under section 30C of the *Building Act 2000*, to be registered as an owner builder, had yet to be determined under that Act before the commencement of Part 3A of this Act, the provisions of that Act, as in force immediately before the commencement of the *Building Act 2016*, are to remain in effect in respect of that application until the application is determined.

(2) If a person is registered as an owner builder as a result of an application referred to in subclause (1), clause 3 of this Part applies to that person as if the person had been registered as an owner builder before the commencement of Part 3A of this Act.

5. Owner builder training courses

A course that, on the day immediately before the day on which Part 3A of this Act commences, was an approved course for the purposes of section 30B of the *Building Act 2000* is taken, on and after the commencement of that Part, to have been approved under section 29B(3) of this Act as an owner builder training course for the purposes of section 29B(1)(c) on the same terms and conditions.

Division 3 – Other savings and transitionals

6. Bodies corporate and partnerships operating as building practitioners under *Building Act 2000*

(1) A body corporate, or partnership, that, immediately before the commencement of Division 3A of Part 4 of this Act, was operating as a building practitioner in accordance with section 25 of the *Building Act 2000* is, on and after the commencement of that Division –

(a) not a building services provider for the purposes of this Act; and

(b) not a licensed entity for the purposes of this Act.

(2) Subclause (1) does not affect –

(a) the application of this Schedule, on and after the commencement of the *Occupational Licensing Amendment Act 2016*, to the accreditation of the director, partner or permanent employee referred to in section 25 of the *Building Act 2000*; and

(b) the ability for the body corporate or partnership to apply, on and after the commencement of the *Occupational Licensing Amendment Act 2016*, under section 37C of this Act to be a licensed entity for the purposes of this Act.

7. Complaints under section 32 of the *Building Act 2000*

Where a complaint to the Director of Building Control has been made under section 32 of the *Building Act 2000* and the complaint had not been determined before the commencement of the *Occupational Licensing Amendment Act 2016*, the provisions of the *Building Act 2000* continue to apply to the complaint as if the relevant provisions of that Act had not been repealed.

8. Insurance orders under section 48 of the *Building Act 2000*

(1) The order under section 48 of the *Building Act 2000* in force immediately before the commencement of the *Occupational Licensing Amendment Act 2016* remains in force until –

(a) revoked by order by the Minister under this Act; or

(b) notice is given by the Administrator requiring licence holders to be covered by a certain type and amount of insurance under section 27.

(2) An order under subclause (1) is a statutory rule for the purposes of the *Rules Publication Act 1953*.

9. Appeals under *Building Act 2000*

Where an appeal has been lodged under the *Building Act 2000* in respect of an accredited building practitioner, or an owner builder, and the appeal had not been determined before the commencement of the *Occupational Licensing Amendment Act 2016*, the provisions of the *Building Act 2000* continue to apply to the appeal as if the relevant provisions of that Act had not been repealed.

SCHEDULE 6 – CONSEQUENTIAL AMENDMENTS

Section 106(1), (2) and (3)

PART 1 – *BUILDING ACT 2000* AMENDED

1. Section 3(1) is amended by omitting the definition of "plumber" and substituting the following definition:

> "**plumber**" means a person who holds a licence under the *Occupational Licensing Act 2005* authorising him or her to carry out any plumbing work that is prescribed work within the meaning of that Act;

2. Section 12(2) is amended by omitting "*Plumbers and Gas-fitters Registration Act 1951*" and substituting "*Occupational Licensing Act 2005*".

3. Section 23(3) is amended by omitting paragraph (b) and substituting the following paragraph:

> (b) a person carrying out plumbing work which is prescribed work under the *Occupational Licensing Act 2005* and which requires a building permit; or

PART 2 – *BUILDING ACT 2000* FURTHER AMENDED

1. Section 23(3) is amended by omitting paragraph (d) and substituting the following paragraph:

> (d) a person carrying out electrical work which is prescribed work under the *Occupational Licensing Act 2005* and which requires a building permit; or

PART 3 – *ELECTRICITY INDUSTRY SAFETY AND ADMINISTRATION ACT 1997* AMENDED

1. The long title is amended by omitting "**to ensure that electrical contractors and workers are appropriately qualified and regulated,**".

2. Section 3 is amended as follows:

(a) by omitting the definition of "Board";

(b) by omitting the definition of "electrical contractor's business";

(c) by omitting the definitions of "electrical work" and "electrical worker";

(d) by omitting the definitions of "holder" and "licence";

(e) by omitting the definition of "serious electrical accident" and substituting the following definition:

"serious electrical accident" means an accident involving –

(a) electrocution; or

(b) electric shock serious enough to cause temporary or permanent disability or to require medical attention; or

(c) electricity that produces a burn serious enough to cause temporary or permanent disability or to require medical attention.

3. Section 4 is repealed.

4. Section 6(2) is amended by omitting paragraph (a).

5. Section 7 is repealed.

6. Section 8(1) is amended by omitting "or the Electrical Licensing Board".

7. Section 12 is repealed.

8. Part 3 is repealed.

9. Section 72(2) is amended by omitting from paragraph (a) "licence," and substituting "licence within the meaning of the *Occupational Licensing Act 2005*,".

10. Section 90 is amended by omitting subsections (1) and (2).

11. Section 96(1) is amended by omitting paragraph (c).

12. Section 103(2) is amended by omitting paragraphs (a) and (b).

13. Schedule 1 is repealed.

SCHEDULE 7

The amendments effected by Section 107 and this Schedule have been incorporated into the authorised version of the Plumbers and Gas-fitters Registration Act 1951.

SCHEDULE 8 – STATUTORY RULE RESCINDED

Section 108

Plumbers and Gas-fitters Registration Regulations 2004 (No. 163 of 2004)

SCHEDULE 9 – FURTHER STATUTORY RULES RESCINDED

Section 109(1) and (2)

1. *Hydro-Electric Commission By-laws 1994* (No. 110 of 1994)

2. *Hydro-Electric Commission (Service and Installation) By-laws 1993* (No. 165 of 1993)

3. *Hydro-Electric Commission Amendment (Partial Rescission) Regulations 2005* (No. 140 of 2005)

4. *Hydro-Electric Commission (Service and Installation) Amendment Regulations 2005* (No. 141 of 2005)

NOTES

The foregoing text of the *Occupational Licensing Act 2005* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 20 November 2026 are not specifically referred to in the following table of amendments.

Act	Number and year	Date of commencement
Occupational Licensing Act 2005	No. 47 of 2005	19.1.2009 rest of Act
Occupational Licensing Amendment Act 2008	No. 59 of 2008	19.1.2009
Monetary Penalties Enforcement (Transitional Arrangements and Consequential Amendments) Act 2007	No. 72 of 2007	19.1.2009
Occupational Licensing Act 2005	No. 47 of 2005	15.12.2010 ss. 7(1A) & (1B), 104(2) & (3), 106(1), 107, Pts. 2 & 3 of Sched. 2, Pts. 2 & 3 of Sched. 5, Pt. 1 of Sched. 6, Sched. 7
Occupational Licensing Amendment Act 2008	No. 59 of 2008	15.12.2010
Vocational Education and Training (Commonwealth Powers) Act 2011	No. 50 of 2011	15.2.2012
Justice and Related Legislation (Miscellaneous Amendments) Act 2013	No. 20 of 2013	20.6.2013
Training and Workforce Development (Repeals and Consequential Amendments) Act 2013	No. 11 of 2013	1.7.2013
Justice and Related Legislation (Miscellaneous Amendments) Act 2015	No. 38 of 2015	13.10.2015
Occupational Licensing Amendment Act 2016	No. 26 of 2016	1.1.2017

Act	Number and year	Date of commencement
Building (Consequential Amendments) Act 2016	No. 12 of 2016	1.1.2017
Building Legislation (Miscellaneous Amendments) Act 2018	No. 39 of 2018	1.1.2017 Part 6 17.12.2018 Part 7
Gas (Consequential Amendments) Act 2019	No. 3 of 2019	3.2.2021
Occupational Licensing (Automatic Mutual Recognition Consequential Amendments) Act 2022	No. 29 of 2022	14.12.2022
Residential Building (Miscellaneous Consumer Protection Amendments) Act 2023	No. 9 of 2023	1.10.2024
Tasmanian Civil and Administrative Tribunal (Additional Jurisdictions) Act 2025	No. 7 of 2025	1.7.2025
Justice and Related Legislation (Miscellaneous Amendments) Act 2026	No. 25 of 2026	20.11.2026
Residential Building (Home Warranty Insurance Amendments) Act 2023	No. 25 of 2023	not commenced
Occupational Licensing Amendment Act 2026	No. 15 of 2026	not commenced

TABLE OF AMENDMENTS

Provision affected	How affected
Section 3	Amended by No. 59 of 2008, s. 4, No. 50 of 2011, Sched. 1, No. 11 of 2013, Sched. 1, No. 38 of 2015, s. 39, No. 26 of 2016, s. 4, No. 29 of 2022, s. 40 and No. 9 of 2023, s. 44
Section 3A	Inserted by No. 26 of 2016, s. 5
Section 4	Amended by No. 26 of 2016, s. 6
Section 7	Amended by No. 59 of 2008, s. 5 and No. 26 of 2016, s. 7
Section 9	Amended by No. 26 of 2016, s. 8
Section 13	Amended by No. 26 of 2016, s. 9
Section 14	Amended by No. 26 of 2016, s. 10
Section 16	Amended by No. 26 of 2016, s. 11
Section 19	Amended by No. 26 of 2016, s. 12
Section 20	Amended by No. 26 of 2016, s. 13
Section 21	Amended by No. 26 of 2016, s. 14 Substituted by No. 29 of 2022, s. 41
Section 22	Amended by No. 26 of 2016, s. 15 and No. 29 of 2022, s. 42

Provision affected	How affected
Section 22A	Inserted by No. 26 of 2016, s. 16 Amended by No. 39 of 2018, s. 63 and No. 29 of 2022, s. 43
Section 23	Amended by No. 26 of 2016, s. 17
Section 24	Amended by No. 26 of 2016, s. 18
Section 25	Amended by No. 26 of 2016, s. 19
Section 26	Amended by No. 26 of 2016, s. 20
Section 27	Amended by No. 29 of 2022, s. 44
Section 28	Amended by No. 29 of 2022, s. 45
Section 29	Amended by No. 26 of 2016, s. 21
Section 29A	Inserted by No. 26 of 2016, s. 22 Amended by No. 39 of 2018, s. 64
Section 29B	Inserted by No. 26 of 2016, s. 22
Section 29C	Inserted by No. 26 of 2016, s. 22
Section 29D	Inserted by No. 26 of 2016, s. 22 Amended by No. 7 of 2025, s. 159
Section 29E	Inserted by No. 26 of 2016, s. 22
Section 29F	Inserted by No. 26 of 2016, s. 22
Part 4	Heading amended by No. 26 of 2016, s. 23
Section 30	Amended by No. 26 of 2016, s. 24 and No. 29 of 2022, s. 46
Section 31	Substituted by No. 29 of 2022, s. 47
Section 32	Amended by No. 26 of 2016, s. 25
Section 33	Amended by No. 26 of 2016, s. 26 and No. 29 of 2022, s. 48
Section 34	Amended by No. 26 of 2016, s. 27, No. 39 of 2018, s. 65 and No. 7 of 2025, s. 160
Section 34A	Inserted by No. 29 of 2022, s. 49
Section 35	Amended by No. 26 of 2016, s. 28
Section 36	Amended by No. 26 of 2016, s. 29 and No. 29 of 2022, s. 50
Section 37	Amended by No. 26 of 2016, s. 30, No. 39 of 2018, s. 66 and No. 7 of 2025, s. 161
Section 37AA	Inserted by No. 29 of 2022, s. 51
Section 37A of Part 4	Inserted by No. 26 of 2016, s. 31
Section 37A	Amended by No. 29 of 2022, s. 52
Section 37B of Part 4	Inserted by No. 26 of 2016, s. 31
Section 37B	Amended by No. 39 of 2018, s. 67 and No. 7 of 2025, s. 162
Section 37C of Part 4	Inserted by No. 26 of 2016, s. 31
Section 37C	Amended by No. 39 of 2018, s. 59 and No. 9 of 2023, s. 45
Section 37D of Part 4	Inserted by No. 26 of 2016, s. 31
Section 37D	Amended by No. 9 of 2023, s. 46
Section 37E	Inserted by No. 29 of 2022, s. 53
Section 38	Amended by No. 26 of 2016, s. 32, No. 39 of 2018, s. 60 and No. 29 of 2022, s. 54

Provision affected	How affected
Section 39	Amended by No. 26 of 2016, s. 33 and No. 9 of 2023, s. 47
Section 40	Amended by No. 26 of 2016, s. 34 and No. 29 of 2022, s. 55
Section 41	Amended by No. 26 of 2016, s. 35 and No. 29 of 2022, s. 56
Section 42	Substituted by No. 20 of 2013, s. 71 Amended by No. 26 of 2016, s. 36 Substituted by No. 29 of 2022, s. 57
Section 43	Substituted by No. 20 of 2013, s. 71 Amended by No. 29 of 2022, s. 58
Section 44	Amended by No. 26 of 2016, s. 37
Section 45	Amended by No. 29 of 2022, s. 59
Section 46	Amended by No. 29 of 2022, s. 60
Section 47	Amended by No. 26 of 2016, s. 38 and No. 29 of 2022, s. 61
Section 49	Amended by No. 26 of 2016, s. 39, No. 39 of 2018, s. 68 and No. 29 of 2022, s. 62
Section 53	Amended by No. 26 of 2016, s. 40
Section 54	Amended by No. 26 of 2016, s. 41
Section 57	Amended by No. 26 of 2016, s. 42
Section 58	Amended by No. 26 of 2016, s. 43
Section 59	Amended by No. 26 of 2016, s. 44
Section 62	Amended by No. 72 of 2007, Sched. 1 and No. 39 of 2018, s. 69
Section 63	Repealed by No. 72 of 2007, Sched. 1
Section 64	Repealed by No. 72 of 2007, Sched. 1
Section 65	Repealed by No. 72 of 2007, Sched. 1
Section 66	Repealed by No. 72 of 2007, Sched. 1
Section 67	Repealed by No. 72 of 2007, Sched. 1
Section 68	Repealed by No. 72 of 2007, Sched. 1
Section 69	Repealed by No. 72 of 2007, Sched. 1
Division 5 of Part 6	Repealed by No. 39 of 2018, s. 70
Section 70	Repealed by No. 39 of 2018, s. 70
Section 71	Repealed by No. 39 of 2018, s. 70
Section 72	Repealed by No. 39 of 2018, s. 70
Section 73	Repealed by No. 39 of 2018, s. 70
Section 74	Repealed by No. 39 of 2018, s. 70
Section 75	Repealed by No. 39 of 2018, s. 70
Section 76	Repealed by No. 39 of 2018, s. 70
Section 77	Repealed by No. 39 of 2018, s. 70
Section 78	Repealed by No. 39 of 2018, s. 70
Section 79	Amended by No. 26 of 2016, s. 45
Section 81	Amended by No. 7 of 2025, s. 163
Section 82	Substituted by No. 7 of 2025, s. 164
Section 84	Amended by No. 7 of 2025, s. 165
Section 85	Amended by No. 29 of 2022, s. 63
Section 86	Amended by No. 26 of 2016, s. 46

Provision affected	How affected
Section 90	Amended by No. 26 of 2016, s. 47 and No. 9 of 2023, s. 48
Section 91	Substituted by No. 26 of 2016, s. 48
Section 92	Amended by No. 26 of 2016, s. 49
Section 97	Amended by No. 59 of 2008, s. 6 and No. 26 of 2016, s. 50
Section 98	Amended by No. 26 of 2016, s. 51 and No. 29 of 2022, s. 64
Section 99	Amended by No. 26 of 2016, s. 52
Section 100	Repealed by No. 26 of 2016, s. 53
Section 103	Amended by No. 26 of 2016, s. 54
Section 104	Substituted by No. 59 of 2008, s. 7 Amended by No. 26 of 2016, s. 55
Section 106	Substituted by No. 59 of 2008, s. 8
Section 109	Inserted by No. 59 of 2008, s. 9
Schedule 1	Repealed by No. 26 of 2016, s. 56
Schedule 2	Substituted by No. 59 of 2008, s. 10
Part 1 of Schedule 2	Inserted by No. 59 of 2008, s. 10
Part 2 of Schedule 2	Inserted by No. 59 of 2008, s. 10
Division 1 of Part 2 of Schedule 2	Inserted by No. 59 of 2008, s. 10
Division 2 of Part 2 of Schedule 2	Inserted by No. 59 of 2008, s. 10 Amended by No. 25 of 2026, s. 34
Part 3 of Schedule 2	Inserted by No. 59 of 2008, s. 10 Substituted by No. 59 of 2008, s. 10 and No. 26 of 2016, s. 57
Part 4 of Schedule 2	Inserted by No. 26 of 2016, s. 57 Amended by No. 39 of 2018, s. 61
Schedule 3	Amended by No. 12 of 2016, Sched. 1 and No. 3 of 2019, s. 17
Schedule 4	Amended by No. 26 of 2016, s. 58
Schedule 5	Substituted by No. 59 of 2008, s. 11
Part 1 of Schedule 5	Inserted by No. 59 of 2008, s. 11
Part 2 of Schedule 5	Inserted by No. 59 of 2008, s. 11 Substituted by No. 59 of 2008, s. 11
Part 3 of Schedule 5	Inserted by No. 59 of 2008, s. 11 Substituted by No. 59 of 2008, s. 11 and No. 26 of 2016, s. 59
Part 4 of Schedule 5	Inserted by No. 26 of 2016, s. 59
Division 1 of Part 4 of Schedule 5	Inserted by No. 26 of 2016, s. 59
Division 2 of Part 4 of Schedule 5	Inserted by No. 26 of 2016, s. 59
Division 3 of Part	Inserted by No. 26 of 2016, s. 59

Provision affected	How affected
4 of Schedule 5	
Schedule 6	Substituted by No. 59 of 2008, s. 11
Part 1 of Schedule 6	Inserted by No. 59 of 2008, s. 11
	Substituted by No. 59 of 2008, s. 11
Part 2 of Schedule 6	Inserted by No. 59 of 2008, s. 11
Part 3 of Schedule 6	Inserted by No. 59 of 2008, s. 11
Schedule 9	Inserted by No. 59 of 2008, s. 12