

Response to question on notice

Questions on Notice Paper No 9

5 September 2025

Question No. 549

Peter CAIN MLA: To ask the Minister for Planning and Sustainable Development -

1. How often over the past five years has section 41 of the *Construction Occupations (Licensing) Act 2004* (COLA section 41) been used to achieve rectification of residential works when a builder has failed to comply with a rectification order or found to be unsuitable to undertake the works.
2. Apart from COLA section 41, what legislation, rules or ministerial guidance exist to determine in what circumstances it can be invoked.
3. If COLA section 41 has not been utilised, or has only been utilised on rare occasions, what are the reasons it is not invoked more frequently.
4. What guidelines are used by Access Canberra and the Construction Occupations Registrar to manage their engagement, communication, actions and responses to declared vulnerable complainants.

CHRIS STEEL MLA - The answer to the Member's question is as follows:

1. None.
2. The use of Section 41 of the *Construction Occupations (Licensing) Act 2004* is a matter for the Territory to determine. The section sets out the circumstances in which the Territory may use this power.
3. Where non-compliance with a Rectification Order occurs, avenues which are available to the Registrar to enforce compliance may be applied, including prosecution through the courts, applying demerit points, applying occupational discipline to place conditions on licences that restrict work or an application to suspend or disqualify a licence through the ACAT.
4. The Registrar and Access Canberra are guided by the [Customer Service Charter](#), which includes user-centred and inclusive service delivery principles.

Approved for circulation to the Member and incorporation into Hansard.



Chris Steel MLA
Minister for Planning and Sustainable Development

Date: 14/10/25

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