

Response to question on notice

Questions on Notice Paper No 10

19 September 2025

Question No. 636

JO CLAY MLA: To ask the Minister for Planning and Sustainable Development -

1. What action can be taken in relation to a builder's licence when they do not comply with a rectification order.
2. Do the Construction Occupations Registrar and Access Canberra track timely action on residential construction complaints; if so, how is it done.
3. What are the time handling guidelines used by the Construction Occupations Registrar and Access Canberra to (a) acknowledge receipt of a complaint, (b) investigate it, (c) consider the outcomes of the investigation, (d) advise the complainant of the actions/s being taken, and (e) track actions against the builder to ensure compliance such as with a rectification order.
4. How many staff in the Construction Occupations Registrar are resourced/funded to ensure timely resolution of residential construction complaints and what is the level of funding provided to investigate and resolve such complaints.
5. What issues are taken into account when section 41 of the *Construction Occupations (Licensing) Act 2004* is invoked to engage another build to achieve rectification of residential works when a builder subject to a rectification order has failed to comply with the order or found to be unsuitable to undertake the works.
6. Which officer/s is/are authorised to invoke section 41 of the *Constructions Occupations (Licensing) Act 2004*.

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

1. Where non-compliance with Rectification Order occurs, a number of avenues are available to the Registrar under the *Construction Occupations (Licensing) Act 2004* (the Act).

Occupational Discipline, including the conditioning of licences with restrictions until works are completed can be applied. If Occupational Discipline is applied to a licence holder, it can be used as grounds to refuse the issue or renewal of a licence and may also be grounds for the Registrar to apply to the ACT Civil and Administrative Tribunal (ACAT) for the disqualification of a licence. Failure to comply with a Rectification Order is an offence under the Act, and prosecution of the licence holder is also available.

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2. Access Canberra utilises a customer relationship management system (Salesforce), with which officers can monitor their investigation and allows for managerial oversight. The Registrar is guided by the [Statement of Expectations](#) issued by the relevant Minister and is also guided by the [Accountability Commitment Policies and Compliance Frameworks](#).

The investigation of residential construction complaints is undertaken by separate teams who work as a triage model. The Rapid Regulatory Response team (RRRT) receives the complaint and undertakes a preliminary investigation into the allegations. If substantiated and further action is required, it is escalated and transferred to the investigations or compliance teams who may commence compliance and enforcement actions or occupational discipline. Operating protocols are in place in relation to the transfer of cases between teams, and all responsible teams (RRRT, compliance, investigations, audit and licencing) meet weekly to discuss active and new cases.

3. Please refer to the answer above in question 2.
- (a) RRRT aims to acknowledge receipt of a complaint and conduct preliminary assessments within five working days of receiving a complaint. If there is an immediate risk to public safety, an assessment will be conducted within 24 hours or sooner.
- (b) & (c) If further investigation is necessary and the case is referred to the compliance and investigations teams, timeframes will vary significantly. Referred matters will require more complex assessment including multiple elements of expert advice in relation to defects and engagement with owners and builders. Orders may be complex, and Access Canberra will draw on legal precedence and advice in drafting to ensure, as far as possible, they will be effective. Any orders are subject to natural justice provision and once orders are made, they are subject to judicial review and appeal; where this occurs time frames may extend to years. In this context, not set timeframes for investigation or outcomes can be provided.
- (d) Complainants will be regularly informed of the progress of the investigation.
- (e) Rectification Orders are drafted to require the builder to submit to the Registrar and owners, a schedule of works that details when works will be undertaken. This is usually the first stage of an Order, and the schedule must be accepted and endorsed by the Registrar. Access Canberra will monitor the schedule and failure to meet its requirement constitute non-compliance with the order, and the builder would be subject to provisions described under Question 1.
4. At the date of this response, there are 23 officers across the RRRT, compliance and investigations teams described above, and there are a further 18 officers undertaking licence compliance and construction audit who are also involved in resolving building disputes.
5. It must be noted that the decision to invoke orders authorising another licensee is a determination of the "Territory". Invoking Section 41 is at the discretion of the Territory and will arise from a contravention of the Order.
6. The Territory is the decision maker for this provision.

Approved for circulation to the Member and incorporation into Hansard.



Chris Steel MLA
Minister for Planning and Sustainable Development

Date: 15/10/25