

Serial 187
Building Amendment (Registration and Other Matters) Bill 2011
Mr McCarthy

A Bill for an Act to amend the *Building Act*

NORTHERN TERRITORY OF AUSTRALIA

BUILDING AMENDMENT (REGISTRATION AND OTHER MATTERS) ACT
2011

Act No. [] of 2011

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2011

An Act to amend the *Building Act*

[Assented to [] 2011]
[Second reading [] 2011]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Building Amendment (Registration and Other Matters) Act 2011*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

3 Act amended

This Act amends the *Building Act*.

4 Section 4 amended

(1) Section 4

insert (in alphabetical order)

contracting owner means the owner of the land to which a residential building contract applies.

guidelines, see section 167B.

nominee, of a corporation, means an individual appointed under section 22A as the corporation nominee.

performance reporting means information on past performance of building practitioners available in the system mentioned in section 14(1)(a).

prescribed means prescribed by regulation.

residential building contract means a contract entered into under section 48B(1).

(2) Section 4, definitions **building certifier** and **building practitioner**

omit

a person, firm

insert

an individual

5 Part 2, Division 5 replaced

Part 2, Division 5

repeal, insert

Division 5 Delegations

20 Delegations by Minister and Director

- (1) The Minister may delegate to a person any of the Minister's powers and functions under this Act except the powers and functions under section 6(2) and (3), 9(2), 12A(1), 17(2) or 48.
- (2) The Director may delegate to a person any of the Director's powers and functions under this Act.

20A Delegations by Advisory Committee, Practitioners Board and Appeals Board

- (1) The Advisory Committee may delegate any of its powers and functions under this Act to a member of the Committee, the Registrar of the Committee or a public sector employee.
- (2) The Practitioners Board may delegate any of its powers and functions under this Act to a member of the Board, the Registrar of the Board or a public sector employee.
- (3) The Appeals Board may delegate any of its powers and functions under this Act to a member of the Board, the Registrar of the Board or a public sector employee.

6 Sections 23 to 24C replaced

Sections 23 to 24C

repeal, insert

22A Appointment of nominee by corporation

- (1) A corporation may, in the approved form, appoint an individual to be its nominee for this Act.
- (2) The corporation must give the form to the Practitioners Board as soon as practicable after it is signed by the corporation and nominee.
- (3) The appointment takes effect when the relevant details are entered in the register maintained under section 16.

23 Application for registration as building practitioner other than building contractor

- (1) This section applies in relation to an application for registration as a building practitioner in a category of building practitioner other than building contractor.
- (2) An individual may apply to the Practitioners Board for registration of the individual.
- (3) A corporation may apply to the Practitioners Board for registration of the corporation.
- (4) An application under this section must be in the approved form accompanied by the prescribed fee.

24 Registration of building practitioner other than building contractor

- (1) After receiving an application made by an individual under section 23(2), the Practitioners Board must register the individual in the category of building practitioner specified in the application if satisfied the individual:
 - (a) is a fit and proper person to be registered in that category; and
 - (b) has the relevant qualifications and experience determined under section 24G(a) for that category; and
 - (c) has complied with any conditions for registration prescribed by regulation.

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- (2) After receiving an application made for a corporation under section 23(3), the Practitioners Board must register the corporation in the category of building practitioner specified in the application if satisfied:
 - (a) at least one individual concerned in the management or conduct of the corporation, or a nominee of the corporation, is registered in that category; and
 - (b) each individual concerned in the management or conduct of the corporation who is not registered in that category would be a fit and proper person to be so registered if he or she had applied personally for the registration; and
 - (c) the corporation has complied with any conditions for registration prescribed by regulation.
 - (3) Without limiting subsection (1)(c) or (2)(c), a regulation may prescribe a condition requiring the applicant for registration to hold an insurance policy of a type (which may include a professional indemnity policy) or for an amount, or both, determined under section 24G(c).

24A Application for registration as building contractor

- (1) This section applies in relation to an application for registration as a building practitioner in the category of building contractor.
- (2) An individual may apply to the Practitioners Board for registration.
- (3) A corporation may apply to the Practitioners Board for registration.
- (4) An application under this section must be in the approved form accompanied by the prescribed fee.

24B Registration of building practitioner as building contractor

- (1) After receiving an application made by an individual under section 24A(2), the Practitioners Board must register the individual in the category of building contractor if satisfied he or she:
 - (a) is a fit and proper person to be registered in that category; and
 - (b) has the relevant qualifications and experience determined under section 24G(a) for that category; and
 - (c) currently holds, and during the period of registration will continue to hold, the net financial assets prescribed by regulation for that category; and

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- (d) has complied with any conditions for registration prescribed by regulation.
- (2) After receiving an application made by a corporation under section 24A(3), the Practitioners Board must register the corporation in the category of building contractor if satisfied:
 - (a) at least one director, or a nominee, of the corporation:
 - (i) is registered in that category; and
 - (ii) will provide adequate supervision of the building work carried out by the corporation; and
 - (b) each director of the corporation who is not registered in that category would be a fit and proper person to be so registered if he or she had applied personally for the registration; and
 - (c) the corporation currently holds, and during the period of registration will continue to hold, the net financial assets prescribed by regulation for that category; and
 - (d) the corporation has complied with any conditions for registration prescribed by regulation.
 - (3) Without limiting subsection (1)(d) or (2)(d), a regulation may prescribe a condition requiring the applicant for registration to hold an insurance policy of a type (which may include a professional indemnity policy) or for an amount, or both, determined under section 24G(c).

7 Sections 24F and 24FA replaced

Sections 24F and 24FA

repeal, insert

24F Renewal of registration of building practitioner

- (1) After receiving an application under section 24E that relates to an individual, the Practitioners Board must renew the registration of the individual in the category of building practitioner specified in the application if satisfied he or she:
 - (a) is a fit and proper person to be registered in that category; and
 - (b) has the relevant qualifications and experience determined under section 24G(a) for that category; and

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- (c) has, during the current period of registration, complied with the continuing development requirements determined under section 24G(b) for that category; and
 - (d) has, during the current period of registration, performed competently in that category as shown by performance reporting; and
 - (e) has complied with any conditions for renewal prescribed by regulation.
- (2) However, if the application mentioned in subsection (1) is for renewal of registration in the category of building contractor, the Practitioners Board must not register the individual unless it is satisfied the individual currently holds, and during the period of registration will continue to hold, the net financial assets prescribed by regulation for that category.
- (3) After receiving an application under section 24E that relates to a corporation and is for renewal of registration in a category other than building contractor, the Practitioners Board must renew the registration in that category if satisfied:
- (a) at least one individual concerned in the management or conduct of the corporation, or a nominee of the corporation:
 - (i) is registered as a building practitioner in that category; and
 - (ii) has, during the current period of registration, complied with the continuing development requirements determined under section 24G(b) for that category; and
 - (b) each individual concerned in the management or conduct of the corporation who is not registered as a building practitioner in that category would be a fit and proper person to be so registered if he or she had applied personally for the registration; and
 - (c) the corporation has, during the current period of registration, performed competently in that category as shown by performance reporting; and
 - (d) the corporation has complied with any conditions for renewal prescribed by regulation.

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- (4) After receiving an application under section 24E that relates to a corporation and is for renewal of registration in the category of building contractor, the Practitioners Board must renew the registration if satisfied:
- (a) at least one director or nominee of the corporation:
 - (i) is registered as a building practitioner in that category; and
 - (ii) has, during the current period of registration, complied with the continuing development requirements determined under section 24G(b) for that category; and
 - (iii) will provide adequate supervision of the building work carried out by the corporation; and
 - (b) each director of the corporation who is not registered in that category would be a fit and proper person to be so registered if he or she had applied personally for the registration; and
 - (c) the corporation has, during the current period of registration, performed competently in that category as shown by performance reporting; and
 - (d) the corporation currently holds, and during the period of registration will continue to hold, the net financial assets prescribed by regulation for that category; and
 - (e) the corporation has complied with any prescribed conditions for renewal.
- (5) Without limiting subsection (1)(e), (3)(d) or (4)(e), a regulation may prescribe a condition requiring an applicant for renewal of registration to hold an insurance policy of a type (which may include a professional indemnity policy) or for an amount, or both, determined under section 24G(c).

24FA Practitioners Board must have regard to particular information

- (1) Before deciding an application made under section 23, 24A or 24E, the Practitioners Board must have regard to a relevant report or relevant information given by a person or entity who is prescribed by regulation.
- (2) For subsection (1), a relevant report or relevant information is a report or information relevant to a matter about which the Practitioners Board must be satisfied under section 24, 24B or 24F.

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- (3) Subsection (1) does not prevent the Practitioners Board from considering any other information it considers relevant to deciding the application.

8 Section 24G replaced

Section 24G

repeal, insert

24G Determinations by Minister

The Minister may, by *Gazette* notice, determine any of the following:

- (a) the qualifications and experience for registration as a building practitioner in a category of building practitioner;
- (b) the continuing development requirements for a building practitioner in a category of building practitioner;
- (c) the types of insurance policies, and amounts of insurance to be provided under the policies, that may be prescribed by regulation for section 24(3), 24B(3) or 24F(5);
- (d) criteria to be met by providers of insurance policies mentioned in paragraph (c).

9 Sections 25 and 25A replaced

Sections 25 and 25A

repeal, insert

25 Registered individual to carry out or direct function of corporation as building practitioner

- (1) If a corporation is carrying out a function as a building practitioner:
- (a) the function must be carried out by or at the direction of a registered individual for the corporation; and
 - (b) the registered individual must, in writing, certify the function; and
 - (c) the corporation must ensure the name of the registered individual appears in all advertisements published by the corporation relating to the function.

Maximum penalty: 40 penalty units.

(2) In subsection (1):

registered individual means:

- (a) for a corporation registered in a category of building practitioner other than building contractor – an individual concerned in the management or conduct of the corporation, or a nominee of the corporation, who is registered in the same category as the corporation; and
- (b) for a corporation registered in the category of building contractor – a director or nominee of the corporation who is registered in that category.

25A Corporation registered as building practitioner to notify changes affecting registration

- (1) A corporation registered as a building practitioner must, within 7 days after one of the following circumstances occurs, give notice of the circumstance to the Practitioners Board:
 - (a) a nominee of the corporation ceases to act for the corporation;
 - (b) the registration of a nominee as a building practitioner is cancelled or suspended or is not renewed;
 - (c) for a corporation registered in the category of building contractor – an individual ceases to be a registered director of the corporation;
 - (d) for a corporation registered in any other category of building practitioner – an individual ceases to be a registered manager of the corporation;
 - (e) a director or nominee required by section 24B(2)(a)(ii) or 24F(4)(a)(iii) to supervise the corporation's building work is no longer able to do so.

Maximum penalty: 430 penalty units.

- (2) However, if a circumstance mentioned in subsection (1) results in the corporation ceasing to comply with a requirement for registration mentioned in section 24B(2) or 24F(3) or (4), the corporation must give notice of the circumstance immediately after it occurs.

Maximum penalty: 430 penalty units.

- (3) Notice under this section must be in the approved form.

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- (4) In this section:

registered director, of a corporation, means a director mentioned in section 24B(2)(a)(i) or 24F(4)(a)(i).

registered manager, of a corporation, means an individual involved in the management or conduct of the corporation to whom section 24(2)(a) or 24F(3)(a)(i) applies.

25B Assessment of compliance with financial assets requirement

- (1) The Practitioners Board may, at any time, assess a building contractor's compliance with the requirement to hold net financial assets as mentioned in section 24B(1)(c) or (2)(c) or 24F(2) or (4)(d) (the *assets requirement*).
- (2) The Practitioners Board may, by written notice, require the building contractor to give the Board the information and documents necessary to establish the building contractor's compliance with the assets requirement.
- (3) The Board may require the information or document to be given within a reasonable time, as specified in the notice, and may extend the time if the Board considers it appropriate to do so.

Note for section 25B

Section 34VA enables the Practitioners Board to suspend the registration of a building practitioner if satisfied the building practitioner has ceased to comply with the assets requirement.

25C Offence to perform function of building practitioner without required insurance policy

- (1) A person who is required to hold a prescribed insurance policy must not perform a function of a building practitioner unless the prescribed insurance policy is in force.

Maximum penalty: 85 penalty units.

- (2) In subsection (1):

prescribed insurance policy means an insurance policy required to be held as a condition of registration or renewal of registration, as mentioned in section 24(3), 24B(3) or 24F(5).

10 Part 3, Division 3B heading replaced

Part 3, Division 3B, heading

omit, insert

Division 3B Professional misconduct and failure to meet registration requirements

11 Section 48B amended

(1) Section 48B(1), penalty provision

omit, insert

Maximum penalty: 85 penalty units.

(2) After section 48B(2)

insert

(2A) A regulation may provide for the contract to include provisions about progress payments linked to specified stages of the prescribed building work.

12 Section 167B inserted

After section 167A

insert

167B Guidelines

- (1) The Director may make guidelines for the administration of this Act.
- (2) The guidelines must be consistent with this Act.
- (3) The Director may publish the guidelines in the way the Director considers appropriate (for example, on the Internet).
- (4) A person acting under this Act must have regard to the guidelines.

13 Part 18 inserted

After section 183

insert

**Part 18 Transitional matters for Building Amendment
(Registration and Other Matters) Act 2011**

184 Definition

In this Part:

commencement day means the day on which this Part commences.

185 Application of Part

This Part applies despite anything to the contrary in section 12 of the *Interpretation Act*.

186 Replacement provisions apply to existing registration applications

- (1) The Practitioners Board must decide an existing registration application in accordance with the relevant replacement registration provision.
- (2) The Practitioners Board may require the applicant to give the Board additional information to enable the Board to be satisfied about the matters mentioned in the relevant replacement registration provision.
- (3) In this section:

existing registration application means one of the following applications made before the commencement day and not decided before that day:

- (a) an application for registration made under section 23;
- (b) an application for registration made under section 24A;
- (c) an application for renewal of registration made under section 24E.

replacement registration provision means section 24, 24B or 24F, and a regulation made for the section, as in force on the commencement day.

187 Requirement to continue to hold determined net financial assets

- (1) An individual or corporation registered before the commencement day as a building contractor must, during the remaining period of registration, continue to hold the relevant amount of determined net financial assets.
- (2) For subsection (1), the relevant amount of determined net financial assets is the amount of net financial assets specified for the individual or corporation in the Minister's determination under section 24G as in force immediately before the commencement day.

188 Compliance with supervision requirement

- (1) A corporation registered before the commencement day as a building contractor must comply with the supervision requirement during the term of registration.
- (2) For subsection (1), the supervision requirement is the requirement that at least one director, or a nominee, of the corporation must provide adequate supervision of the building work carried out by the corporation.
- (3) To avoid doubt, it is no longer necessary for the director or nominee to reside in the Territory to provide the adequate supervision.

189 Continuation of delegations

An instrument delegating a power or function under section 20 that was in force immediately before the commencement day continues in force.

14 Act further amended

The Schedule has effect.

Schedule Act further amended

section 14

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
Part 1, heading, at the end		matters
sections 3(a) to (hc) and 4, definition, construct , paragraphs (a) to (c), at the end		and
section 4, definition, owner , paragraph (a), at the end		or
section 6(1) and (2)	(inclusive)	
section 6(2) and (3)	notice in the <i>Gazette</i>	<i>Gazette</i> notice
section 8(1)(aa) to (f), at the end		and
section 8(3)	shall	must
section 9(2)	shall consist	consists
section 9(3)	shall Chairman (<i>all references</i>)	must Chairperson
section 9(4)	the generality of	
section 11(1)(a) and (b), at the end		and
section 12A(1)(b)(i) and (ii)	Chairman	Chairperson
section 12B(1)(b)	organisations,	organisations;
section 14(1)(a) to (e), at the end		and

section 16, heading	Building Practitioners, &c.	building practitioners
section 16(1)	shall cause to be maintained	must maintain
section 16(2)	purposes of correcting	correction of
section 17(2)	shall consist of such	consists of the
section 17(2)(a) and (b)	shall Chairman	must Chairperson
section 17(3)	the generality of	
section 19(1)(c)	such other functions as are	other functions
section 19(2)	whole subsection	(2) The Appeals Board has the powers necessary for the performance of its functions.
section 21A	, unless the contrary intention appears	
section 22(1)	shall not:	who is not appropriately registered under this Part must not:
section 22(1)(a), at the end		or
section 22(1)(c)(ii)	Part,	Part.
section 22(1)	unless he or she is appropriately registered under this Part.	
section 22(1), penalty provision	whole penalty provision	Maximum penalty: 40 penalty units.
section 24H	a person, firm	an individual
section 26(2)(a) and (b), at the end		and

section 28(a) and (b), at the end		or
section 33(2), penalty provision	whole penalty provision	Maximum penalty: 40 penalty units.
section 34E(1)(b)	misleading,	misleading;
section 34E(2), penalty provision	whole penalty provision	Maximum penalty: 40 penalty units.
section 34H(2)	3-year period	3 years
section 34J(1) and (3)	Chairman	Chairperson
section 34N(4), penalty provision	whole penalty provision	Maximum penalty: 40 penalty units.
section 34P(2)(a), at the end		and
section 34S(a) to (e), at the end		or
section 34T(d)	\$5 000	40 penalty units
section 34VB, penalty provision	whole penalty provision	Maximum penalty: 8 penalty units.
section 35, heading	Appellable	Appealable
sections 35 and 36(1)	appellable	appealable
section 36A(1)	evidence	evidence, or review of the information,
section 36A(2), after "evidence"		or information
section 36B(1)	appellable <i>(all references)</i>	appealable
section 36B(1)(a), at the end		or
section 36D, heading	appellable	appealable
section 36D(1) and (2)	appellable	appealable
section 37	shall	must

section 37, penalty provision	whole penalty provision	Maximum penalty: 8 penalty units.
section 37A(2), penalty provision	whole penalty provision	Maximum penalty: 85 penalty units.
section 37A(3), penalty provision	whole penalty provision	Maximum penalty: 430 penalty units.
section 38(2)	shall	must
section 38(2), penalty provision	whole penalty provision	Maximum penalty: 85 penalty units.
section 39	shall	must
section 39, penalty provision	whole penalty provision	Maximum penalty: 40 penalty units.
Part 4, Division 2, heading	, &c.,	etc.
section 42, heading	, &c.	
section 42(1)	shall	must
section 42(1)(a), at the end		and
section 42(1), penalty provision	whole penalty provision	Maximum penalty: 8 penalty units.
section 42(2)	shall	must
section 42(2), penalty provision	whole penalty provision	Maximum penalty: 17 penalty units.
section 43(3)	shall	must
section 45, heading	, &c.,	etc.
section 45(1) and (3)	shall	must
section 45(1) and (3), penalty provision	whole penalty provision	Maximum penalty: 85 penalty units.

Part 4, Division 4, heading	whole heading	Division 4 Referral of applications relating to places of public assembly
section 47(1) and (2)	shall	must
Part 4, Division 5, heading	whole heading	Division 5 Performance of building certifier's functions by Director
section 48, heading	whole heading	48 Minister may direct performance of functions
section 48	notice in the <i>Gazette</i>	<i>Gazette</i> notice
sections 48A(1) and 48C(2), penalty provision	whole penalty provision	Maximum penalty: 85 penalty units.
section 48C(3), penalty provision	whole penalty provision	Maximum penalty: 8 penalty units.
section 48CA(3), penalty provision	whole penalty provision	Maximum penalty: 430 penalty units.
sections 48D(1) and 48E(3), penalty provision	whole penalty provision	Maximum penalty: 85 penalty units.
section 48F(1)(a), at the end		and
section 48F(1)(c)	person,	person;
section 48F(6)	notice in the <i>Gazette</i>	<i>Gazette</i> notice
section 48G(1), penalty provision	whole penalty provision	Maximum penalty: 85 penalty units.
section 48G(2), penalty provision	whole penalty provision	Maximum penalty: 8 penalty units.
section 50(a) to (c), at the end		and

section 51(3)	Notwithstanding subsections and it shall apply	Despite subsections and, if an agreement is made, the regulation or amendment applies
section 52, heading	whole heading	52 Adopted codes and standards
section 52(1), after "methods"		(each of which is an <i>adopted code or standard</i>)
section 52(2)	whole subsection	(2) An adopted code or standard may require anything mentioned in it to be in accordance with another document mentioned in the adopted code or standard.
section 52(3)(a)	all words from "shall" to "available"	must ensure a copy of every adopted code or standard, and every document mentioned in it, is available
section 52(3)(b)	all words from "may" to "available"	may make available copies of all or part of an adopted code or standard or other document mentioned in paragraph (a)
section 53, heading	, &c.	and other things
sections 54(1) and 55	shall	must
section 55, penalty provision	whole penalty provision	Maximum penalty: 85 penalty units.
Part 6, Division 3, heading	whole heading	Division 3 Grant of building permit

section 59, heading	whole heading	59 General requirements for grant of building permit
section 59(1) and (2)	shall	must
section 59(1)(a), at the end		and
section 59(1) and (2), penalty provision	whole penalty provision	Maximum penalty: 85 penalty units.
section 60	Notwithstanding	Despite
section 60A(1), (2) and (4), penalty provision	whole penalty provision	Maximum penalty: 85 penalty units.
section 61	shall	must
section 61, penalty provision	whole penalty provision	Maximum penalty: 85 penalty units.
section 62(2)	shall	must
section 62(3), penalty provision	whole penalty provision	Maximum penalty: 8 penalty units.
section 63(6)(a), at the end		and
section 65(1) and (2)	shall	must
after section 65(1)		Maximum penalty: 85 penalty units.
section 65(2), penalty provision	whole penalty provision	Maximum penalty: 85 penalty units.
section 66, heading	, &c.,	etc.
section 66(1)	shall	must
after section 66(1)		Maximum penalty: 85 penalty units.
section 66(2)	shall	must

section 66(2), penalty provision	whole penalty provision	Maximum penalty: 85 penalty units.
section 67(1)	shall	must
section 67(2)(a), at the end		or
section 69(1) and (4), penalty provision	whole penalty provision	Maximum penalty: 85 penalty units.
section 69A(1)(a) to (c), at the end		and
section 69A(2), penalty provision	whole penalty provision	Maximum penalty: 40 penalty units.
section 70	shall	must
section 70, penalty provision	whole penalty provision	Maximum penalty: 85 penalty units.
section 71	shall	must
section 71(a) and (aa), at the end		and
section 73, heading	– occupancy permits, &c.	
section 74(1)	Notwithstanding anything	Despite anything to the contrary
sections 76(1) and (2) and 77(1) and (2)	shall	must
section 77(2), penalty provision	whole penalty provision	Maximum penalty: 85 penalty units.
section 78(1) and (2)	shall	must
section 78(2)(a), at the end		and
section 79(1)	shall	must
section 79(2)	shall be	is
sections 81(1), (2) and (4), 82(2) and 84(1)	shall	must

section 84(2)	Protection works carried out by a person shall be carried out by the person	A person who carries out protection works must do so
section 84(2)(a), at the end		or
section 84(2)(c)	Board,	Board;
section 84(2), penalty provision	whole penalty provision	Maximum penalty: 85 penalty units.
sections 85(4) and 86	shall	must
section 86(a), at the end		or
section 86(c)	Board,	Board;
section 86, penalty provision	whole penalty provision	Maximum Penalty: 85 penalty units.
section 87(2)	shall	must
section 88(2)	shall be subject to such	is subject to the
sections 88(3), 90 and 91(1)	shall	must
section 91(1), penalty provision	whole penalty provision	Maximum penalty: 85 penalty units.
sections 91(2) and (3) and 92(1) and (2)	shall <i>(all references)</i>	must
section 93, heading	, &c.	etc.
section 93(1)	shall	must
section 93(1), penalty provision	whole penalty provision	Maximum penalty: 85 penalty units.
section 94(2)	shall	must
section 94(2), penalty provision	whole penalty provision	Maximum penalty: 8 penalty units.
section 95(1) and (2)	shall	must

section 95(2), penalty provision	whole penalty provision	Maximum penalty: 8 penalty units.
section 96, heading	Lodgment of plans, &c.,	Service of plans
section 96	shall	must
section 100(1)(b)	in,	in;
section 100(2)(a) and (b), at the end		or
section 100(2)(c)	and/or	or
section 102	member of the Police Force <i>(all references)</i>	police officer
sections 103(1) and (2) and 105(2)	shall	must
section 106(1)	shall not contravene or fail to comply with	must not contravene
section 106(1), penalty provision	whole penalty provision	Maximum penalty: 85 penalty units.
section 106(2)	this section	subsection (1)
sections 107(a) and (b) and 108(a) and (b), at the end		or
section 112(2)	shall	must
section 113(a), at the end		or
section 113(b)	and/or	or
sections 114(2) and 115	shall	must
section 115, penalty provision	whole penalty provision	Maximum penalty: 8 penalty units.
sections 116(2) and (3), 119(2) and 120(1)	shall	must

section 122	member of the Police Force <i>(all references)</i>	police officer
section 123(1) and (2)	shall	must
section 125(2)(a), at the end		or
section 125(3)	shall be	is
section 127(2)	shall	must
section 128	or fails to comply with	
section 128, penalty provision	whole penalty provision	Maximum penalty: 85 penalty units.
sections 129 and 130(2)	shall	must
section 131(1)	all words from "shall not" <i>(first reference)</i> to "shall apply" <i>(second reference)</i>	does not apply to the land, building or building work or applies subject to the conditions the Board specifies and, on the Board so doing, the Regulations do not apply, or apply
section 131(3)	shall	must
section 132(1)	all words from "shall, for" to "composed"	must, when performing its functions for a particular matter, consist of the member or members the Chairperson nominates (one of whom must be nominated to preside), but must not consist
section 133(1)	shall be	is
section 133(2)	Chairman	Chairperson
section 133(3)(a)	shall	must

section 133(3)(a), at the end		and
section 133(3)(b)	shall be deemed to have been made as though	is taken to be
section 133(3)(c)	matter,	matter;
section 134	Chairman <i>(all references)</i>	Chairperson
Part 11, Division 2, heading	whole heading	Division 2 Procedures for appeals, referrals and applications
section 135(1)	shall	may
section 135(2)	shall	must
section 136, heading	whole heading	136 Fresh hearing
section 136	shall	must
section 138	shall have	has
sections 139, 140(1) and (2) and 144	shall <i>(all references)</i>	must
section 146(3)	shall not fail to hearing or comply with the requirement.	must hearing, or do so.
section 146(3), penalty provision	whole penalty provision	Maximum penalty: 8 penalty units.
section 147(2)	shall	must
section 147(2), penalty provision	whole penalty provision	Maximum penalty: 8 penalty units.
section 149	Each party	The parties
sections 149 and 150(1)	shall	must
section 150(3)	member of the Police Force	police officer

section 151(1)	shall be	is
section 152(2)(a) and (b), at the end		or
section 152(c)	and/or	or
section 152(4)	shall	must
section 153, heading	whole heading	153 Protection from liability
section 153(1)(a) to (c), at the end		or
section 153(1)(e)	Board,	Board;
section 153(2)(a), at the end		or
section 153(2)(b)	authority,	authority;
section 153(2) and (3)	shall subject	subjects
section 162(2)	member of the Police Force <i>(all references)</i>	police officer
	member or person	officer
section 163(1)	shall	must
section 163(2)	Where a member of the Police Force	If a police officer
	member or authorised officer	officer
	member of the Police Force	police officer
section 164(a), at the end		and
section 165	Notwithstanding	Despite
section 166	shall	must
section 166(a), at the end		or

section 166, penalty provision	whole penalty provision	Maximum penalty: 40 penalty units.
section 167(1)	shall	must
section 168(2)	the generality of	
section 168(3)(a)(ii), at the end		and
section 168(5)	all words from "impose" to "with"	prescribe a fine not exceeding 100 penalty units and, for a continuing offence, an additional fine not exceeding 10 penalty units for each day during which the offence continues, for an offence against
section 170(1)	shall continue to apply to and	continues to apply
section 170(2)(a), at the end		and
section 170(2)(c)	Chairman of the Appeals Board,	Chairperson of the Appeals Board;
section 170(2)	Chairman have	Chairperson have
section 171(2)	Notwithstanding	Despite
section 172(2)	shall remain	remains
section 172(3)	shall	
sections 175(1)(b) and (2)(b) and 176(b)	work,	work;
section 183(5), penalty provision	whole penalty provision	Maximum penalty: 8 penalty units.
Schedule 2, clause 2(3)	shall	must
Schedule 2, clause 3, heading	Chairman <i>(all references)</i>	Chairperson

Schedule 2, clause 3	Chairman <i>(all references)</i>	Chairperson
Schedule 2, clause 3(1)	shall	must
Schedule 2, clause 5(2)(b)	benefit,	benefit;
Schedule 2, clauses 5(2) and 6	shall <i>(all references)</i>	must
Schedule 2, clause 6(2)(b)	Board,	Board;
Schedule 2, clause 7(1)	Chairman shall call such meetings of the Committee or Board as	Chairperson must call the meetings of the Committee or Board that
Schedule 2, clause 7(2)	Chairman to Chairman shall	Chairperson to Chairperson must
Schedule 2, clause 7(3)	133, a	133, at a
Schedule 2, clause 7(3)(a), at the end		and
Schedule 2, clause 7(3)(b)	whole paragraph	(b) the Chairperson must preside at all meetings at which he or she is present and, in the Chairperson's absence, the Deputy Chairperson must preside and, in the absence of both the Chairperson and Deputy Chairperson, the members present may appoint one of those members to preside; and

Schedule 2, clause 7(3)(c)	shall be Chairman or other person presiding at the meeting shall have	must be member presiding at the meeting has
Schedule 2, clause 7(3)(d)	shall	must
Schedule 2, clause 7(4)(a), at the end		or
Schedule 2, clause 7(5)	shall be	is
Schedule 2, clause 7(6)	shall cause records of its meetings to be	must ensure records of its meetings are
Schedule 2, clause 8	Chairman <i>(all references)</i> shall	Chairperson must
Schedule 2, clause 8, penalty provision	whole penalty provision	Maximum penalty: 17 penalty units.
Schedule 2, clause 9, heading	, &c.	and Registrar
Schedule 2, clause 9	shall lie Chairman <i>(all references)</i>	lies Chairperson
Schedule 3, heading	permits , &c.	building and occupancy permits and temporary occupation
Schedule 3, clause 1	shall	must
Schedule 3, clause 1, penalty provision	whole penalty provision	Maximum penalty: 8 penalty units.
Schedule 3, clauses 3 and 5(1)	shall <i>(all references)</i>	must
Schedule 3, clause 5(1), penalty provision	whole penalty provision	Maximum penalty: 85 penalty units.

Schedule 3, clause 5(2) and 6(3)	shall	must
Schedule 3, clause 7, heading	, &c.	or consent
Schedule 3, clause 7	shall be <i>(all references)</i>	is
Schedule 3, clause 8(1) and 9(1)	shall	must
Schedule 3, clause 9(2)	shall be	is
Schedule 3, clause 10	shall	must
Schedule 3, clause 10, penalty provision	whole penalty provision	Maximum penalty: 8 penalty units.
Schedule 3, clause 11	shall	must
Schedule 3, clause 11, penalty provision	whole penalty provision	Maximum penalty: 40 penalty units.
