

Serial 53  
Building Amendment Bill 2022  
Ms Lawler

A Bill for an Act to amend the *Building Act 1993*



**NORTHERN TERRITORY OF AUSTRALIA**

**BUILDING AMENDMENT ACT 2022**

---

**Act No. [ ] of 2022**

---

**Table of provisions**

1	Short title .....	1
2	Commencement .....	1
3	Act amended .....	1
4	Section 34H amended (Inquiry into building practitioner who is no longer registered) .....	1
5	Section 34T amended (Disciplinary action by Inquiry Board) .....	2
6	Section 34Y amended (Disciplinary action by Practitioners Board).....	2
7	Section 168 amended (Regulations) .....	2
8	Part 21 inserted .....	3
	Part 21 Transitional matters for Building Amendment Act 2022	
200	Definitions	
201	Application of increased inquiry period to building practitioners whose registration ceased before commencement	
202	Application of increased amount of civil penalty to professional misconduct engaged in before commencement	
203	Application of increased amount of civil penalty to contraventions of Commissioner's decision before commencement	
9	Repeal of Act.....	3





# NORTHERN TERRITORY OF AUSTRALIA

Act No. [ ] of 2022

An Act to amend the *Building Act 1993*

[Assented to [ ] 2022]  
[Introduced [ ] 2022]

The Legislative Assembly of the Northern Territory enacts as follows:

## 1 Short title

This Act may be cited as the *Building Amendment Act 2022*.

## 2 Commencement

This Act commences on the day after the day on which the Administrator's assent to this Act is declared.

## 3 Act amended

This Act amends the *Building Act 1993*.

## 4 Section 34H amended (Inquiry into building practitioner who is no longer registered)

Section 34H(2)

*omit*

3

*insert*

7

---

**5 Section 34T amended (Disciplinary action by Inquiry Board)**

Section 34T(d)

*omit, insert*

- (d) require the practitioner to pay to the Territory a civil penalty not exceeding:
- (i) if the practitioner is an individual – 160 penalty units; or
  - (ii) if the practitioner is a corporation – 800 penalty units;

**6 Section 34Y amended (Disciplinary action by Practitioners Board)**

Section 34Y(1)(b)

*omit, insert*

- (b) require the builder to pay to the Territory a civil penalty not exceeding:
- (i) if the builder is an individual – 160 penalty units; or
  - (ii) if the builder is a corporation – 800 penalty units;

**7 Section 168 amended (Regulations)**

Section 168, at the end

*insert*

*Note for section 168*

*See section 51(1) and (2) in relation to the application of a regulation or an amendment to a regulation to building work for which a building permit was granted, or in respect of which substantial progress had been made on the design of the building, before the commencement of the regulation or amendment.*

---

## 8 Part 21 inserted

After section 199

*insert*

### Part 21 Transitional matters for Building Amendment Act 2022

#### 200 Definitions

In this Part:

***amending Act*** means the *Building Amendment Act 2022*.

***commencement*** means the commencement of the amending Act.

#### 201 Application of increased inquiry period to building practitioners whose registration ceased before commencement

The 7 year period to which an inquiry is limited under section 34H(2), as amended by section 4 of the amending Act, also applies in relation to a building practitioner who ceased to be registered before the commencement.

#### 202 Application of increased amount of civil penalty to professional misconduct engaged in before commencement

The maximum civil penalty that may be imposed on a building practitioner who is guilty of professional misconduct under section 34T(d), as amended by section 5 of the amending Act, also applies in relation to professional misconduct constituted by work performed or conduct engaged in by the practitioner before the commencement.

#### 203 Application of increased amount of civil penalty to contraventions of Commissioner's decision before commencement

The maximum civil penalty that may be imposed on a residential builder under section 34Y(1)(b), as amended by section 6 of the amending Act, also applies in relation to a residential builder's contravention of a decision that was made by the Commissioner before the commencement.

## 9 Repeal of Act

This Act is repealed on the day after it commences.