



## **Building Services Board**

# **Late Applications for Building Service Providers' Renewal of Registration Policy**

### **OBJECTIVE**

The objective of this policy is to guide members of the Building Services Board (the Board), Departmental officers with powers delegated by the Board, and other Departmental officers in making consistent decisions when dealing with late applications for renewal of registration.

### **SCOPE**

This policy applies to all requests to submit a late application for renewal of registration by written notice, within six months after the end date of the renewal period under the provisions of section 15(2) of the *Building Services (Registration) Act 2011* (the Act).

### **CONTEXT**

Under the Act and associated regulation (r.7) the renewal period commences eight weeks before the expiry of a registration.

Section 15(2) of the Act allows the Board to accept written applications for renewal up to six months after a registration expires, provided that the Board is satisfied that the delay in renewal was caused by reasons beyond the applicant's control or other special circumstances exist that warrant the Board's acceptance of the application.

Until such time as the Board has accepted an application for renewal after the expiry of a registration, that registration as defined in Part 3 of the Act has in effect expired, and the relevant prohibitions and associated penalties in relation to unregistered persons under the Act are applicable.

If an application for late renewal is accepted under section 15(2), the registration remains current until the Board makes a decision relating to the renewal application.

### **TERMS USED**

Expiry date	A registration expires at the date shown on the registration certificate.
Renewal period	Eight weeks before the expiry date shown on the registration certificate.
Request to submit a late application for renewal (Form 68)	Before a late application for renewal of registration can be made, the request to submit a late application for renewal of registration must be accepted by the Board. If the Board accepts, an applicant's registration remains current until the Board makes a decision on the application.
Late application	An application for the renewal of a registration can only be made after the request to submit a late application is accepted by the Board. Late applications must be made within six (calendar) months of the expiry date and can only be made where the Board is satisfied that the delay in the application was caused by reasons beyond the control of the applicant or that other special circumstances warrant the application's acceptance.

## **POLICY PRINCIPLES**

### **Generally**

This policy does not constrain the Board's capacity to depart from this policy as appropriate in the circumstances, and under the provisions of any relevant legislation, in dealing with a request from an applicant to submit a late application for the renewal of registration.

This policy supersedes and replaces all previous policies relating to the submission of requests to submit and/ or the submission of late applications for the renewal of registration.

### **Consequences that arise when an application for renewal is not lodged by the expiry date on the registration**

When no part of an application to renew registration is received by the Department (on behalf of the Board) by the expiry date, a registration automatically expires.

If a request to submit a late renewal application has not been granted by the Board a contractor must cease contracting for building services and a practitioner ceases to be a nominated supervisor for a contractor. If the registered entity is the responsible person named on a building permit, those building permits cease to have any effect (as provided under section 35 of the *Building Act 2011*).

### **Opportunity to request a late application for renewal of registration**

Section 15(2) of the Act provides for the Board to accept a late application for the renewal of registration if the application is submitted within six months after the end of the renewal period, and the Board is satisfied that:

- a) The delay was caused by reasons beyond the control of the applicant; or
- b) Other special circumstances warrant acceptance of the application.

### **Consequences when the Board accepts a late application**

Once a request to submit a late application for renewal is accepted by the Board, a registration is taken as current and a registration holder may continue to work until a decision on the renewal is made by the Board.

If the late application is subsequently unsuccessful, the entity's registration expires on the date the Board determines not to renew registration.

### **Reasons that are acceptable**

The Board considers "**reasons beyond the control of the applicant**" to be external factors, or the consequences of external factors, which have prevented the applicant from submitting an application to renew registration by the expiry date. The Board considers acceptable reasons might include, but not be limited to, events such as:

- the applicant is suffering an incapacitating injury or physical or mental illness;
- serious injury or physical or mental illness of a member of the applicant's immediate family;
- an act of violence or the threat of an act of violence sufficient to disrupt or distract from the applicant's positive intention to lodge an application not later than the expiry date;
- the applicant being detained beyond their control at a time relevant to the lodgement of the application not later than the expiry date;
- an act of God such as, but not limited to, flood, storm, earthquake, tsunami, damaging fire at a time relevant to the lodgement of the application not later than the expiry date;
- a contracted delivery provider failing to deliver the application not later than the expiry date;
- the applicant was unexpectedly away from the location where the renewal is normally delivered for the entire period until the expiry date and unable to be reached;

- changes to administrative processes made by the Department resulting in unintended or unanticipated consequences for applicants which delay or prevent the timely receipt of renewal applications.

The Board considers “**other special circumstances**” to include circumstances such as, but not limited to, the presence of a public interest of sufficient importance to justify acceptance of a particular late application to renew registration.

The Board will consider all applications on a case by case basis.

### Reasons that are not acceptable

The Board will not usually accept applications that are late for reasons such as, but not limited to:

- the applicant or assistant forgot to mail or submit the application for renewal;
- the applicant or assistant was out of the office or on planned travel;
- the applicant did not receive the Department’s renewal advice; and
- an unsubstantiated claim that the postage courier service took longer to deliver the application to renew than anticipated by the applicant.

### Late fees

Under section 15(4) of the Act the Board requires all entities making an application to submit a late renewal to pay the late fee prescribed in the regulations in order to accept an application under section 15(2).

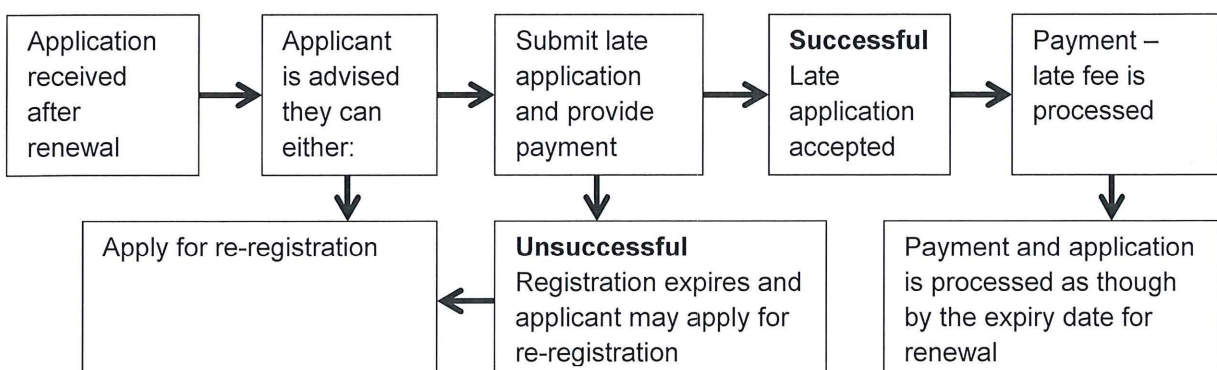
### Appeals against a decision of the Board

The Board’s decision to refuse to accept a late application is not subject to appeal. However, under section 64 of the Act an aggrieved person may apply to the State Administrative Tribunal to have the Board’s decision to refuse to register or renew a registration to be reviewed.


## POLICY IMPLEMENTATION

Departmental officers will present recommendations to the Board based on this policy and will inform applicants of the policy.

Departmental officers informing applicants about the process steps and information flows associated with late applications will refer to the following process diagram.



## GOVERNANCE

Resolved by the BSB	Meeting Date 11 August 2020	Item Number 4.2
Chairperson	Signature 	Date <i>11 August 2020</i>
Keywords	Enter keywords here	
Next review	1 June 2023	