

BUILDING PRACTITIONERS INQUIRY BOARD

Reasons for Decision

Building Practitioner:	AB Consulting (NT) Pty Ltd
Building Practitioner Category:	Building Certifier (Unrestricted)
Referred By:	Director of Building Control
Proceedings:	Referral of Inquiry to the Building Practitioners Board in accordance with section 34F(2)(b) of the <i>Building Act (1993)</i>
Inquiry Board:	Maria Savvas (Presiding Member) Christopher Lovewell (Member) Shane Cooper (Member)
Date of Hearing:	On the papers
Date of Decision:	01 October 2026

Background

1. On 11 April 2025 the Director of Building Control (**the DBC**) referred AB Consulting (NT) Pty Ltd (**the Practitioner**) to the Building Practitioners Board for Inquiry pursuant to section 34F(2)(b) of the Act (**the Referral**).
2. The Practitioner is a registered Building Certifier (Unrestricted), and its sole company director has been Annette Joseland, who is also the Nominee for the Practitioner. The Practitioner's Registration Number is 264433BU.
3. The Referral was made following the audit of the Practitioner on 30 September 2024 on the basis that the DBC determined there was evidence that the Practitioner was guilty of professional misconduct.
4. The DBC alleges that the Practitioner is guilty of professional misconduct pursuant to section 34S of the *Building Act (1993)* NT (**the Act**) as the Practitioner has committed the following offences against the Act:

- (a) In breach of section 42(1)(c)(i) and (ii), the Practitioner failed to provide a copy of the building permits and all prescribed documents to the DBC within 7 days of granting the permit in relation to 36 of the 40 permits audited as set out below:

Permit Assessment #	Permit Number	Date BP Granted	Date BP given to the Director	No. of Business Days Late
1	695/05433/0/4	15/05/2021	15/09/2021	79 days
2	055/04051/0/21	10/12/2021	18/01/2022	16 days
3	695/05156/0/5	24/02/2022	07/03/2022	1 day
4	695/05955/0/1	22/01/2021	04/03/2021	22 days
5	130/62004/00001/0/6	30/04/2021	21/07/2021	50 days
6	130/62004/00012/0/2	24/06/2021	21/07/2021	13 days
8	590/04330/0/5	23/03/2021	02/07/2021	63 days
9	685/01338/0/3	12/05/2021	25/08/2021	67 days
10	550/03356/0/8	07/04/2022	23/05/2022	23 days
11	695/05322/0/3	25/08/2021	15/05/2021	61 days
12	590/06360/0/4	14/04/2021	23/05/2022	269 days
13	695/05958/0/2	02/06/2021	17/05/2022	231 days
14	200/06153/4/2	19/07/2021	07/09/2021	29 days
15	550/00214/0/9	24/08/2021	09/09/2021	6 days
16	590/10943/0/4	26/07/2021	07/09/2021	24 days
17	695/81011/00007/0/9	18/03/2021	06/04/2021	5 days
18	695/04347/0/3	08/07/2021	22/10/2021	69 days
19	695/03698/0/5	28/04/2021	15/09/2021	91 days
20	550/06923/0/7	14/01/2021	06/04/2021	49 days
21	590/03626/0/4	27/05/2021	24/06/2021	13 days
22	590/02456/0/5	19/02/2021	20/04/2021	34 days
23	685/00466/0/5	14/01/2021	14/04/2021	55 days
24	055/03075/8/2	24/05/2021	23/05/2022	242 days
25	055/05884/0/4	25/08/2021	07/09/2021	3 days
26	550/00843/0/9	13/07/2021	22/03/2022	167 days
27	550/05150/0/8	07/06/2021	13/09/2021	62 days

29	695/06084/0/1	06/07/2021	07/09/2021	38 days
30	685/06689/2/2	28/04/2021	25/08/2021	76 days
31	590/06833/0/4	19/02/2021	26/03/2021	19 days
32	200/02641/0/9	19/04/2021	20/05/2021	17 days
34	055/01553/2/1	21/04/2021	15/09/2021	96 days
35	160/82014/00012/0/4	27/01/2021	09/02/2021	3 days
37	550/05389/0/6	28/10/2021	17/03/2022	88 days
38	590/05273/0/4	05/03/2021	27/04/2021	29 days
39	590/13545/0/6	02/06/2021	21/07/2021	28 days
40	590/03386/0/5	14/03/2022	01/04/2022	8 days
Total number of late permits - 36				

- (b) In breach of section 42(1)(c)(i) and (ii), the Practitioner failed to provide a copy of the occupancy certification and all prescribed documents to the DBC within 7 days of granting the certification in relation to 26 of the 40 permits audited as set out below:

Permit Assessment #	Permit #	Date OP Granted	Date OP given to the Director	No. of Business Days Late
2	055/04051/0/21	20/12/2021	18/01/2022	10 days
4	695/05955/0/1	24/06/2021	07/07/2021	3 days
5	130/62004/00001/0/6	23/06/2021	21/07/2021	14 days
6	130/62004/00012/0/2	31/05/2022	12/06/2022	2 days
7	200/02817/0/7	10/06/2022	29/06/2022	6 days
9	685/01338/0/3	20/12/2021	07/02/2022	23 days
12	590/06360/0/4	23/06/2021	23/05/2022	221 days
16	590/10943/0/4	20/12/2021	14/02/2022	32 days
19	695/03698/0/5	07/09/2021	23/02/2022	113 days
20	550/06923/0/7	17/12/2021	27/01/2022	17 days
22	590/02456/0/5	05/02/2022	05/02/2022	24 days
23	685/00466/0/5	29/04/2021	14/09/2021	89 days
24	055/03075/8/2	28/10/2021	23/05/2022	131 days

25	055/05884/0/4	31/05/2022	12/06/2022	2 days
2b	550/00843/0/9	13/04/2022	16/08/2022	77 days
27	550/05150/0/8	11/10/2021	23/02/2022	85 days
28	590/14622/0/4	13/01/2021	03/04/2021	49 days
30	685/06689/2/2	17/08/2021	26/08/2021	1 day
31	590/06833/0/4	29/06/2021	27/09/2021	57 days
32	200/02641/0/9	12/11/2021	16/02/2022	56 days
34	055/01553/2/1	29/06/2021	15/09/2021	49 days
35	160/82014/00012/0/4	07/09/2021	05/04/2022	138 days
36	550/01426/0/9	19/04/2021	31/03/2022	233 days
37	550/05389/0/6	08/09/2022	27/09/2022	6 days
38	590/05273/0/4	18/06/2021	27/09/2021	64 days
39	590/13545/0/6	21/10/2021	23/02/2022	77 days
Total number of late permits - 26				

("the Alleged Offences")

5. On 14 August 2025, the parties provided the Board with facts agreed between the parties ("**the Agreed Facts**"). The Agreed Facts are annexed to these reasons at Schedule A.
6. The Practitioner has admitted the Alleged Offences.
7. On 14 August 2025, the Board made directions for the parties to provide written submissions in relation to penalty. In accordance with those directions, the DBC provided submissions on penalty to the Board and the Practitioner on 9 September 2025 (as per an extension granted on 4 September 2025). The Practitioner was required to file its submissions on penalty within 21 days of receipt of the DBC's submissions. The Practitioner has not made any submissions on the penalty.

Decision

8. This is the decision of the Inquiry Board convened pursuant to s34J of the Act to hear and determine whether the Practitioner is guilty of the Alleged Offences, and the appropriate action to take in respect of such conduct.

9. Section 34P of the Act provides as follows:

(1) *On completion of an inquiry, the Inquiry Board must:*

- (a) *decide, in accordance with section 34S, whether or not a building practitioner the subject of the inquiry is guilty of professional misconduct; and*
- (b) *if the practitioner is guilty – decide the action to be taken under section 34T and whether or not to take additional action under section 34U.*

10. The Board accepts the facts and makes the findings as set out in the Agreed Facts annexed at Schedule A.

11. As noted at paragraph 12 of the Agreed Facts, the Practitioner admits the Alleged Offences the subject of the Referral.

12. Accordingly, the Board is satisfied on the balance of probabilities that the Practitioner has committed the Alleged Offences and is therefore guilty of professional misconduct in accordance with section 34S(a) of the Act (the **Offences**).

13. It is now a matter for this Board to evaluate the conduct of the Practitioner to assess the degree of seriousness of the offending and level of culpability of the Practitioner, in order to determine what constitutes an appropriate penalty under section 34T of the Act.

14. Section 34T of the Act provides as follows:

If, on completion of an inquiry, the Inquiry Board decides under section 34P(1)(a) that a building practitioner is guilty of professional misconduct, the Board may take any of the following actions in relation to the practitioner:

- (a) *reprimand the practitioner;*
- (b) *require the practitioner to pay all or a specified part of the reasonable costs of the Director in the inquiry;*
- (c) *require the practitioner to give an undertaking to do, or not to do, a specified thing:*
 - (i) *at any time or during any period; or*
 - (ii) *at a specified time or during a specified period;*
- (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;*
- (e) *suspend the practitioner's registration for a specified period (not exceeding 3 years);*
- (f) *cancel the practitioner's registration.*

15. The objective of disciplinary proceedings is to promote the objects of the Act and to ensure adherence with the legislative framework by all building practitioners. The Inquiry Board endeavors to communicate to practitioners its concerns regarding industry practices that don't comply with the Act. In particular, any intentional, reckless or negligent disregard of the statutory requirements of the Act is not acceptable and will likely attract serious penalties. The Board also has regard to protecting the public and principles of specific and general deterrence.
16. In assessing the Practitioner's conduct and determining the appropriate penalty, the Board has had regard to the DBC's submissions dated 9 September 2025.
17. There is no doubt that the role of a certifier is critically important in upholding professional standards and ensuring that other categories of building comply with their obligations. Ultimately, such compliance serves to protect consumers and the public more broadly.
18. The Board accepts that protecting consumers and the public is served by imposing a penalty that not only sets the standards and confirms the conduct of the practitioner is unacceptable, but also deters the Practitioner from future misconduct.
19. The Offences committed by the Practitioner are numerous and the audit revealed a high rate of non-compliance, having committed 62 breaches of its statutory obligations over a period of 2 years. This reflects the Practitioner's pattern of persistent failure to comply with professional standards and its statutory obligations.
20. This Practitioner operates a high-volume business, and persistent non-compliance has the potential to impact several consumers, and causes additional costs and complexities for consumers.
21. While there is no evidence of dishonesty or actual harm caused to consumers, the Practitioner's conduct raises concerns about the practitioner's capacity and willingness to comply with its statutory obligations. The offences are not trivial, and have been

repeated on 62 occasions over a two-year period. This is clearly evidence of a failure by the Practitioner to take its obligations seriously.

22. While the Practitioner has not made any submissions as to penalty, the Board has had regard to the following mitigating factors:

- a. the Practitioner admitted the allegations early, reducing the time and cost of proceedings;
- b. all required documents were eventually provided; and
- c. there was no harm to consumers or the public.

23. The Board has considered the offending conduct both individually and collectively. In determining the appropriate penalty, the Board has applied the totality principle and imposed penalties which in aggregate, reflect the overall seriousness of the offending conduct.

24. In considering the appropriate action under section 34T, the Board has had regard to:

- a. the Practitioner's pattern of offending conduct;
- b. the seriousness of the breaches;
- c. the mitigating factors;
- d. the need for specific and general deterrence of such offending conduct; and
- e. the effect of any suspension or cancellation of the Practitioner's registration on the Practitioner and the public

25. The Inquiry Board has determined that the appropriate action to be taken pursuant to section 34T is as follows:

- a. The Practitioner is to be reprimanded pursuant to section 34T(a) of the Act.
- b. Pursuant to s34T(c)(ii), the Practitioner must give a written undertaking to the Building Practitioners Board, that:
 - A. For a period of 12 months from the date of this decision, the Practitioner will provide the DBC, on the first business day of each month, with:
 - (i) a current copy of the register maintained by the Practitioner in accordance with section 42(1) of the Act; and;

- (ii) a statutory declaration from its director or any nominee, identifying the extent to which the register provided is accurate, complete and up to date.
- B. Within a month of this decision, the Practitioner will implement business processes that ensure ongoing compliance with its obligations in section 42(1) of the Act and with the undertaking in paragraph A, and provide the DBC with a description of the processes implemented by the Practitioner, including but not limited to:
 - (i) How the Practitioner has determined what resources it needs to facilitate compliance with section 42(1) in conjunction with meeting all its other obligations;
 - (ii) the current resources of the Practitioner available to facilitate compliance with section 42(1) in conjunction with meeting all of its other obligations;
 - (iii) Provide to the DBC a list of the risks that have previously or may in the future cause the Practitioner to become non-compliant and strategies that have been implemented to manage those risks.
- C. The Practitioner is to pay an aggregate civil penalty of 186 penalty units.
- D. For the purpose of calculating the monetary value of the civil penalty:
 - (i) 96 penalty units are to be calculated at the penalty unit value applicable between July 2020 and June 2021, being \$158 per penalty unit.
 - (ii) 87 penalty units are to be calculated at the penalty unit value applicable between July 2021 and June 2022, being \$157 per penalty unit.
 - (iii) 3 penalty units are to be calculated at the penalty unit value applicable between July 2022 and June 2023, being \$162 per penalty unit.

26. The Inquiry board directs that a copy of this decision be published and distributed to the parties.

REVIEW OF DECISION UNDER THE ACT

1. Section 35(1) of the Act, with reference to Schedule 5 “Reviewable Decisions”, provides that the Northern Territory Civil and Administrative Tribunal (“the Tribunal”) has jurisdiction to review:

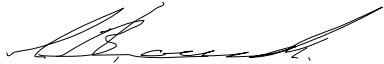
- a. a decision of the Inquiry Board under section 34P(1)(a) (in accordance with section 34S) that a building practitioner is guilty, or is not guilty, of professional misconduct; and/or
 - b. a decision of the Inquiry Board under section 34P(1)(b) to take, or to not take, an action against a building practitioner under section 34T or 34U.
2. Under section 35(3) of the Act, you may apply to the Tribunal for a review of this decision.
 3. The *Northern Territory Civil and Administrative Tribunal Rules 2016* set out the procedure for applying to the Tribunal for review of this decision and other relevant matters in relation to reviews.
 4. Rule 5 provides:
 - (1) *This rule applies to an application commencing a proceeding in the Tribunal's original jurisdiction or review jurisdiction (an **initiating application**).*
 - (2) *A person wishing to commence a proceeding (the **applicant**) must file an initiating application in the approved form with the Tribunal.*

Note for subrule (2)

The current approved form for an initiating application is Form 1.
 5. An application to commence a proceeding for the review of a reviewable decision must be filed within 28 days after the decision was notified to the applicant pursuant to section 93(3) of the *Northern Territory Civil and Administrative Tribunal Act 2014* ("the NTCAT Act").
 6. Section 94(1) of the NTCAT Act provides for the procedure to make an application:
 - (1) *An application to commence a proceeding in the Tribunal must be:*
 - (a) *filed with the Registrar; and*
 - (b) *made in accordance with the relevant Act, this Act and the rules; and*
 - (c) *accompanied by the fee prescribed by regulation.*
 - (2) *A proceeding in the Tribunal commences when the application is accepted under section 95.*
 7. Section 95 of the NTCAT Act provides:
 - (1) On receipt of an application to commence a proceeding under section 94(1), the Registrar may:
 - (a) *accept the application; or*
 - (b) *reject the application.*
 - (2) *The Registrar may accept the application under subsection (1)(a) on conditions determined by the Registrar.*
 - (3) *The Registrar may reject the application under subsection (1)(b) on the following grounds:*
 - (a) *the application is made by a person who is not entitled to make it;*
 - (b) *the application is made after the expiry of the time limit within which the application is required to be made;*
 - (c) *the application does not relate to a matter within the jurisdiction of the Tribunal;*
 - (d) *the application otherwise does not comply with the relevant Act, this Act or the rules.*



Maria Savvas
Presiding Member



Christopher Lovewell
Member



Shane Cooper
Member