



# CBOS

Consumer, Building &  
Occupational Services

Promoting a fair marketplace

## Fact Sheet

# Our Disciplinary Process

This fact sheet outlines the disciplinary process under the *Occupational Licensing Act 2005*. The Administrator of Occupational Licensing must refer a matter to a disciplinary panel before taking disciplinary action. To do so the Administrator must serve a notice on intent on the licence holder. The panel must provide recommendations to the Administrator before he/she can take any disciplinary action.

A notice of intent must:

- Be in writing
- Specify:
  - The Administrator believes there is cause for disciplinary action
  - The reasons for this belief
  - The matter is being referred to a disciplinary panel
  - The licence holder has 28 days to respond in writing
  - The procedure for making a written response

A licence holder can apply in writing for an extension of time which may or may not be granted.

## Role of the disciplinary panel

A disciplinary panel is a panel of independent industry experts selected from a Pool of Experts.

Disciplinary panels:

- Consider the matter set out in the notice of intent
- Give each party reasonable opportunity to be heard
- Consider representations made on behalf of each party
- Make recommendations to the Administrator

The process will continue even if parties fail to make submissions or appear before the panel when requested.

## Communication and disciplinary proceedings

Communication between parties and the disciplinary panel will be in writing. Disciplinary proceedings will be tailored to suit each circumstance. This is determined at the discretion of the disciplinary panel, on a case-by-case basis. It may involve running disciplinary proceedings in-office, on-site, teleconference or by video link.

When a party appears before the panel, this will be done with as little formality as possible. Therefore, other parties cannot be present, unless prior consent has been given. Other parties may make written submissions on behalf of the parties.

## Other party involvement

At any stage during the disciplinary process there may be a need to add other parties. This may include a person who can provide;

- technical advice
- expert opinion or
- interpreter services

The panel must notify all parties in writing of adding another party to the process.

Please note: Only with the consent of all parties can the process be discussed with a legal or expert adviser.

## Confidentiality

Confidentiality in the disciplinary process is important to all parties. Parties and the panel will not disclose any confidential information supplied during the process. This is unless required by law or to get professional advice, for example, from a lawyer.

## How to seek further advice or information

During the disciplinary process, parties may wish to seek advice and guidance. The panel members, who are assigned to the matter, are the best people to provide further advice.

If panel members are unavailable the parties may contact CBOS:

- By phone 1 300 654 499, or
- By email [cbos.info@justice.tas.gov.au](mailto:cbos.info@justice.tas.gov.au)

Please note: Disciplinary proceedings are not a substitute for legal or other expert advice.

## Recommendations for the Administrator

The panel will provide a copy of its recommendations, in writing to parties. The Administrator must consider the recommendations before taking any disciplinary action.

## Indemnity provisions

The panel will not be liable to a party for any act or omission by the panel in the performance or alleged performance of the panel's obligations during the process, unless the act or omission is fraudulent.

Each party indemnifies the panel members against all claims by that party or anyone claiming under or through that party, in the performance or alleged performance of the panel's obligations during proceedings, unless the act or omission is fraudulent.

No statements or comments, whether written or oral, made or used by the parties, their representatives, or the panel, within the process, are to be used in any action for:

- defamation
- libel
- slander or
- any related complaint

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