

Owner Builders

Owners of land are able to construct their own buildings provided they are not in the business of building. There is a restriction on the number of buildings that an owner builder can construct (two buildings in ten years). Owner builders effectively are builders and take on all the same responsibilities as an accredited builder. Owner builder work over \$5,000 requires an official registration number that must be obtained through a building surveyor before applicants can obtain a building permit.

The *Owner Builder Kit* is essential reading for anyone intending to become an owner builder. It is available free from Workplace Standards Tasmania or go to its website: www.wst.tas.gov.au/building

Building Permit Levy

For work over \$12,000 the applicant for a building permit (the owner or their agent) will pay a levy of 0.1% of the cost of the building work, including the cost of associated plumbing work. This is \$1 of every \$1,000 of the building contract cost. A building permit cannot be issued until the levy is paid. The levy is paid into a state building administration fund for the improvement of building laws and procedures.

Compulsory Maintenance of Essential Safety and Health Features and Measures of Buildings

Owners or occupiers of all commercial, industrial and public buildings and some buildings used as sleeping accommodation (e.g. apartment blocks) must maintain the essential safety and health features and measures in those buildings to the same standard applicable when they were new. Essential safety and health features include fire detection and alarm systems, fire fighting equipment, exit signs and emergency lighting. All prescribed features and measures need to be regularly inspected by suitably qualified people. Every year the owner or occupier must publicly display a statement that appropriate maintenance has been undertaken and all essential safety features are being kept in working order. For details about Maintenance of Essential Safety and Health Features and Measures, see brochures GB151 & GB160 from Workplace Standards Tasmania or its website: www.wst.tas.gov.au/building



For more information about building or plumbing laws contact:

- Your local council's building and development department; or

- The Building Control Branch of Workplace Standards Tasmania:

Phone (in Tasmania) 1 300 366 322

Phone (outside Tasmania) (03) 6233 7657

Email: wstinfo@justice.tas.gov.au

Website: www.wst.tas.gov.au/building

Fax (03) 6233 8338

PO Box 56, Rosny Park TAS 7018

The *Building Act 2000* can be viewed at this web address: www.thelaw.tas.gov.au

The regulation of Building and Plumbing Work in Tasmania

An introduction to the
Building Act 2000



Department of Justice
Workplace Standards Tasmania
Building Control Branch



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Features of the Building Act 2000

The *Building Act 2000* (the Act) together with the *Building Regulations 2004* and *Plumbing Regulations 2004* are laws regulating building and plumbing work in Tasmania. They have been the law since July 2004.

What technical standards apply?

The Act references the Building Code of Australia (BCA) for technical building standards and the Tasmanian Plumbing Code (TPC) for technical plumbing standards. These laws and codes apply to everyone who undertakes building work and plumbing work. This means even for work that does not require a building or a plumbing permit, the standard of work must comply with the BCA and the TPC.

Role of the council Permit Authority

All local councils have a Permit Authority and this body (or person) is responsible for the processing of building and plumbing permit applications and the issuing of permits. Applications for a Plumbing Permit are made directly to the council's Permit Authority (plumbing).

Roles of Accredited Building Surveyors

Building surveyors have important roles in the building process. A building surveyor can issue a Certificate of Likely Compliance to certify that the planned building work is likely to comply with the requirements and standards of the Act and Building Code of Australia. The land owner will then apply to the Permit Authority for a building permit. The building surveyor may also carry out building inspections and issue the Occupancy Permit. A building surveyor must be accredited to perform these functions. There is no distinction between private or council employed building surveyors as they perform the same roles. Once appointed, an owner cannot remove their building surveyor before all prescribed functions and duties have been discharged by the building surveyor.

What work requires a building permit?

A person must not carry out any building work unless a building permit is in force that allows that work. However some work is exempt under the *Building Regulations 2004*. Generally this means small outbuildings and structures such as a small shed, garden arch, trellis or gazebo. The repair or maintenance of an existing building does not need a building permit if the work is done for maintenance purposes using similar materials, equipment, installations and components to those being replaced. If proposed work on an existing building involves the use of a different material, for example replacing wooden windows with metal, a building surveyor may determine that in their opinion this is a minor alteration or a minor repair and a building permit is not required for that particular work. The building surveyor must notify the Permit Authority of that decision.

What work must be performed by an Accredited Building Practitioner?

The Act requires that the design, construction (or demolition) and assessment of any building work that requires a building permit *and* is valued at more than \$5,000 must be carried out by an Accredited Building Practitioner. Non-accredited persons contracting with owners to perform such building work are breaking the law and can be subject to heavy penalties. Owners of land or a building who authorise building work must ensure that any person carrying out that work is an Accredited Building Practitioner. Genuine owner builders can still build on their own land and hire tradespersons to help them.

Accreditation of Building Practitioners

The Act introduced a system for the mandatory accreditation and insurance of building practitioners who are:

- **Designers** (including Architects, Building Designers, Engineers and Building Services Designers) responsible for the design of buildings and structures or the services in buildings;
- **Builders** (including domestic or commercial work, construction managers, fire protection services and demolishers) responsible for the construction, alteration, fit out or the demolition of buildings and structures;

- **Building Surveyors and Assistant Building Surveyors** responsible for the assessment of designs and building work, conducting staged inspections and issuing Occupancy Permits.

Building Practitioners are accredited in categories and classes appropriate to their qualifications and experience for the scope of work that they can perform. Note that the Act does *not* require the following persons to be accredited as building practitioners:

- Employees, subcontractors or tradespersons if they are working for or on behalf of an Accredited Building Practitioner;
- Genuine owner builders not in the business of building (see owner builder information overleaf).

Building Practitioner Accreditation

The Building Control Branch of Workplace Standards Tasmania will assess applicants for accreditation to ensure they meet the requirements of the Accreditation Scheme. Accreditation fees paid by applicants are used to pay for administration of the Scheme and include;

- Accreditation of practitioners and renewal of practising certificates;
- Monitoring of practitioner's performance and compliance with the Act through auditing;
- Investigating complaints against Accredited Building Practitioners (e.g. of unsatisfactory professional conduct or professional misconduct);
- Managing the Continuing Professional Development requirements of practitioners.

How to locate an Accredited Building Practitioner

The Workplace Standards Tasmania (WST) website has an on-line Register of accredited practitioners. It describes their scope of work (height or floor area of buildings) and their location (town or suburb). Go to the WST website address: www.wst.tas.gov.au/building