

Owner builder regulations...

Australian Capital Territory

The *Construction Occupations (Licensing) Act 2004*, which came into effect on 1 September 2004, makes owner builders just as responsible as licensed builders, and means that owner builders can now be subject to rectification orders requiring them to rectify non-compliant work for a period of up to 10 years.

Owner builder licence

An owner builder can build or renovate their own residence, or build structures around it such as decks, pergolas or carports. An owner builder cannot install a swimming pool, demolish a building, handle asbestos or perform work on someone else's residence or a commercial building.

Only an individual can apply for an owner builder licence.

The individual must own the land to be developed under the owner builder licence. Where there is more than one owner, all owners must consent to the application, with one owner put forward as the primary applicant.

A private building certifier must be appointed before the owner builder licence can be issued. To be eligible for an owner builder licence the owner must not have been granted an owner builder licence in relation to other land in the previous five years. There is no restriction on the number of owner builder licences for work on the same site, so renovations or extensions can be carried out in stages.

Qualification requirements

In order to be granted an owner builder licence, the applicant must:

- **demonstrate sufficient experience** to be capable of carrying out the building work

The legislation surrounding owner builders differs from state to state, and has changed a number of times over the last few years. We have attempted to cover some of the main points, state by state, over the past few issues.

- **complete a recognised competency examination**, demonstrating sufficient knowledge of legislative and technical requirements in relation to the work.

Applicants who can demonstrate that they have adequate qualifications such as a builders licence, formal building qualifications or other relevant qualifications may not be required to complete an exam.

A pass mark of at least 75% in each part of the examination is required. You must respond in clearly legible English language, using metric units. The examination must be completed within two hours.

- **Part 1:** Building Act 2004 and Building Regulations 2004 and Construction Occupations (Licensing) Act 2004 and Construction Occupations (Licensing) Regulations 2004 and ACT Building and Construction Safety Handbook questions.
- **Part 2:** Building Code of Australia (Volume two: Housing Provisions) and relevant Australian Standards questions.

You may refer to the relevant documents (as above) during the examination, but you need to take your own copies with you.

The Acts and Regulations can be downloaded from the ACT Legislation Register.

The ACT Building and Construction Industry Safety Handbook can be downloaded from the WorkCover website.

Building Code of Australia (Volume two: Housing Provisions) is available from the Australian Building Codes Board (\$130.00).

Australian Standards that might be required are: AS 2870 Residential slabs and footings–Construction–1996

(\$50), AS 3740 Waterproofing of wet areas within residential buildings–2004 (\$100). These are available from SAI Global.

Fees

In addition to Development Application fees, a **building and construction training levy** is payable before building approval is given for work that requires building approval.

The amount of the levy is 0.2% of the value of the building work including the first \$10,000. This means \$200 per \$100,000 value.

It does not apply unless the work has a value greater than \$10,000.

Information packs

You can find all the application forms and information packs online at the ACT Planning and Land Authority website. These include: owner builders examination guide; development application; exemptions. ■



• ACT Planning and Land Authority

02 6207 1923, www.actpla.act.gov.au
>Business & Industry >Construction Occupations & Land Regulation
>Builders >Owner builders

• ACT WorkCover

02 6205 0200, www.workcover.act.gov.au

• ACT Legislation Register

02 6205 3700, www.legislation.act.gov.au

• Australian Building Codes Board

1300 857 522, www.abcb.gov.au

• SAI Global

131 242, www.saiglobal.com/shop

• The Owner Builder

Owner building regulations for other states (also available on TOB website): #131 NSW, #132 Vic, #133 Qld, #134 WA, #135 SA, #136 Tas, #137 NT.