



BUILDER REGISTRATION REQUIREMENTS IN WA

There are 2 categories of building registration in WA which enable different services to be performed:

- building practitioner registration or
- building contractor registration.

What work can I do if I have builder practitioner registration?

Builder practitioner registration allows a person to be the nominated supervisor of a registered building contractor and to use the title 'registered building practitioner'.

Builder practitioner registration is effectively a declaration that an individual is appropriately qualified, experienced and a fit and proper person to be registered builder. Only an individual can apply for practitioner registration.

Limitations apply to this category of registration. While you can be engaged by a building company as their nominated supervisor, that you cannot directly contract or provide building services directly to a client, consumer or property owner. However, if you are employed as a 'nominated supervisor', your employer could effectively rely on your builder practitioner registration in applying for builder contractor registration for their business.

How I do apply for builder practitioner registration?

There are different pathways available to apply for builder practitioner registration depending on your qualifications and experience. These pathways are as follows:

| Pathway | Qualifications | Experience/Skills |
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| Set 1 | Diploma of Building & Construction | Seven (7) years' experience carrying out or supervising building work |
| Set 2 | Registered Architect Member of the Royal Australian Institute of Architects/ Institution of Engineers Australia/Australian Institute of Mining and Metallurgy | Five (5) years full-time experience in carrying out or supervising building construction |
| Set 3 | Member of the Australian Institute of Building as a Member or Fellow | Five (5) years full-time experience in carrying out, supervising or managing building construction |
| Set 4 | Knowledge and skills equivalent to a person who completed the Diploma of Building & Construction | Five (5) years full-time experience in supervising or managing building construction |
| Set 5 | Experience, knowledge and skills equivalent to a person who completed the Diploma of Building & Construction | Seven (7) years' full-time experience outside the jurisdiction of the Building Services Board in carrying out building work |

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What work can I do if I have builder contractor registration?

Builder contractor registration allows a business to use the title of 'registered building contractor' and to perform building work that:

- requires a building permit;
- has a value of \$20,000 or more; and
- is located within the area of the Building Services Board's jurisdiction.

Individuals, partnerships and companies that intend to trade as builders can apply for builder contractor registration.

Key criteria that need to be demonstrated include:

- financial and organizational capacity;
- that building services they provide will be 'managed and supervised' in a proficient manner; and
- that they have at least one 'nominated supervisor' who has builder practitioner registration.

Sole traders may need to obtain both builder practitioner and builder contractor registration in order to do building work for others.

As a partnership or a company however, you would either need to demonstrate that at least one of the directors or partners has builder practitioner registration and is effectively the nominated supervisor for the business. If neither the partners nor the directors of the business hold builder practitioner registration, an individual with builder practitioner registration would need to be employed as the nominated supervisor for the business.

When is a building permit required?

Generally, a building permit is required for building work that includes:

- the construction, erection, assembly or placement of a building or an incidental structure;
- the renovation, alteration, extension, improvement or repair of a building or an incidental structure;
- the assembly, reassembly or securing of a relocated building or a relocated incidental structure; or
- the changing of ground levels and site works associated with one of the above.

What work can I do if I do not have builder registration?

There are certain types of work which do not require a building permit and can therefore be undertaken by an individual without builder registration. These are:

- construction of a farm building;
- production of a prefabricated or transportable building in a manufacturing yard;
- formation of a parking area;
- formation of outdoor sporting surfaces including associated fencing and lighting;

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- construction of walkways viewing and gathering platforms which do not form part of another building;
- construction of a water tank that is not incorporated into the structure of another building;
- construction of an incidental structure such as a chimney, mast, swimming pool, fence, free standing wall, retaining wall or permanent protection structure and a part of a structure;
- installation of fire sprinklers, free standing partitioning, safety systems, timber decking or glazing;
- cabinet making and installation; and
- joinery (2nd fixing) work.

If there is ever in doubt, it is recommended that you contact your local permit authority to find out whether a building permit is required for that specific work.

It is an offence for a person who is not registered to obtain a building permit to construct or contract to construct any building, unless the total fee or charge payable does not exceed \$20,000. An exception to this is an owner-builder who intends to build their own home.

Can I split the works under different contracts to ensure I am under the threshold for permit and registration requirements?

In the event there is more than one contract for building work which is substantially a single undertaking in connection with a single building, the value of all the work must be added together for the purposes of calculating the value of the building work. As such, you cannot split contracts to attempt to stay under the relevant thresholds.

What licence do I need if I am a tradesperson?

If you are a tradesperson, then there are licensing requirements for:

- electrical workers – through Building & Energy, Department of Mines, Industry Regulation and Safety (DMIRS)
- plumbers – through the Plumbers Licensing Board
- gasfitters – through Building & Energy, DMIRS
- pest control work – through the Department of Health
- demolition work – through Worksafe, DMIRS

How do I apply for builder contractor registration?

When applying for builder contractor registration, the application to use will be determined by your business structure. There are separate application forms for individuals, partnerships and companies. Therefore, it is important to have identified how you intend to operate your building and construction business prior to completing your application.

While trusts are becoming more common as a business structure, a trust cannot obtain registration. The trustee of the trust must apply for registration and all documents and financial information provided must pertain to the trustee only. A trustee can either be a corporate trustee or an individual.

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Therefore, an application involving a trust would need to be made as a sole trader or company as trustee for the relevant trust.

How long does it take for an application to be assessed?

The registration authority for builders is the Building Services Board. Application timeframes can vary, but at the time of publishing this information sheet, the application timeframes are advised to be about 14 weeks.

After initial registration with the Building Services Board registered practitioners and contractors must renew their registration every three years.

What if the nominated supervisor for a builder contractor leaves?

A building service contractor must at all times have a nominated supervisor. If at any time there is no nominated supervisor for the business, it must immediately cease building work.

It is an offence to undertake to carry out or carry out any building services work without a nominated supervisor. This offence carries a penalty of \$25,000.

If a change in nominated supervisor does occur, the building contractor is required to give written notice to the Building Services Board within seven days of this change occurring. Failure to notify the Board within seven days of the change constitutes an offence and carries a penalty of \$10,000.

Can I contract to carry out building work in the period after I have lodged an application for builder contractor registration, and while I am waiting for the Building Services Board to assess it?

No. It is an offence to hold yourself out as a registered builder in either category or to contract with a party for building work if you do not in fact hold the appropriate registration. This includes situations where you have applied for the registration and are waiting for it. You cannot undertake to carry out or actually carry out any building services until you have builder contractor registration.

For further assistance, please contact Master Builders Western Australia on 9476 9800 or mba@mbawa.com.

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