

So you are the named builder on a building permit. What are your legal obligations?

Construction Update

The new *Building Act 2011* (The Act) and the *Building Services (Registration) Act* (The Registration Act) have been in effect since about June 2011. If you are a building services contractor, and you don't know your obligations under this legislation by now – then read on.

This new legislation provides that only "Building Services Contractors" can be the named builder on a building permit (s 7 of The Registration Act). In turn, Building Services Contractors are those contractors who meet the requirements of making a compliant application; having the necessary qualifications and experience; and being fit and proper to be registered – s17 of the Registration Act.

A named builder on a building permit obtained under the Act has to make sure that the works, when completed, comply with the plans, the specifications and the building permit.

This requirement is different from the old legislation. That required either "personal management and supervision" or to ensure that building work is "managed and supervised".

Now, a named builder must make sure that it has adequate supervision and system in place to ensure that the completed works are compliant. If the building permit sets out specific conditions in respect of supervision and management of the works, a named builder must comply with those conditions. A named builder also has general obligations for the control of the building site and ensuring that it is a safe workplace.

Who does this affect?

This new legislation will affect not only construction companies but also current "managers and supervisors" who are the named builder on a permit.

Article Highlights

- Only "Building Services Contractors" can be the named builder on a building permit.
- Building companies must be aware that if they appoint their current "Personel Managers or Supervisors" as the named builder, they must meet the new Act's criteria for "Building Services Contractors".
- Failure to comply can result in disciplinary action and cancellation of your building registration.



If you are a named builder, and you fail to ensure the building works comply with the plans, specifications and the permit, then you could face disciplinary proceedings which could lead to suspension or cancellation of your registration; an order to remedy any non compliant works; an order to compensate or even a fine.

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