



Building Services Board Policy

‘Management and Supervision’: Application and renewal for builder registration

OBJECTIVE

The objective of this policy is to provide guidance to the Licensing Services Directorate (Licensing) staff and/or the Building Services Board (BSB) in determining whether an applicant applying for builder registration or renewal of registration herein known as ‘registration’, satisfies Section 18(e) of the *Building Services (Registration) Act 2011* Part 3 and herein collectively known as the ‘Act’.

SCOPE

This policy applies to all applications by a Building Contractor (BC) that is applying for registration. The policy applies to the following application/renewal forms:

Initial application

Application form 13 – Individual
Application form 14 – Partnership
Application form 15 – Company

Renewal

Application form 52 – Individual
Application form 54 – Partnership
Application form 53 – Company

CONTEXT

Within the existing application process for registration of a BC, an assessment is required as to whether a BC has ‘arrangements in place’ to ensure that the building services they provide will be ‘Managed and Supervised’ in a proficient manner in accordance with s18(1)(e) of the Act.

Specifically, sections 18(1)(d) and (e) of the Act states that an applicant must have at least one ‘Nominated Supervisor’ and that a BC must have ‘arrangements in place’ to ensure that building services are ‘managed and supervised’ in a proficient manner.

The existing application guidelines (Guidelines) provide an outline of how the information is currently to be provided by an applicant in the form of a submission (or similar) to support an application for registration from an individual, partnership or company. The Guidelines do not expressly state what is specifically needed in order to satisfy the BSB or Licensing in determining and assessing the requirement to being proficient in ‘Management and Supervision’.

This revised policy will now require a BC to provide more specific information for assessment seeking responses and declarations to a number of questions and statements of a BC. Should the responses and declarations be assessed as satisfactory the proposed questions and statements will obviate the need for any written submissions (or similar) from the applicant.

The concomitant to the process will enable Licensing and the BSB to consider the merits of the application in a more consistent and expeditious manner.

TERMS USED

Proficient	<p>There is an obligation to ensure that 'Management and Supervision' is to be to a standard to ensure that the whole of the building work is carried out in a proficient and workmanlike manner.</p> <p>This means that not only must the building work be completed free of any defect other than of an insignificant nature, but that the method of carrying out the building work is also carried out in a workmanlike manner.</p> <p>That manner is to be expected of a person who was skilled and competent in 'Management and Supervision' when providing building services.</p>
'Arrangements in place'	<p>Includes plans, policies and procedures to ensure that any action that is taken and/or for any event to occur, provides for a favourable outcome in accordance to what is expected.</p>
Nominated Supervisor	<p>A Nominated Supervisor is a registered practitioner in the appropriate building class.</p> <p>A Nominated Supervisor for a BC may also delegate and authorise a competent employee (such as a site supervisor) of the BC to carry out site inspections.</p> <p>However, the Nominated Supervisor is responsible for the actions of a delegated employee such as a site supervisor.</p>

POLICY PRINCIPLES

The decision making framework on management and supervision is based on the general principles in the Department of Mines, Industry Regulation and Safety *Standardised fit and proper person assessment policy (December 2018)*. The policy does not limit the BSB from making a decision outside the principles based on the individual circumstances of an applicant.

Criteria for Assessing Management and Supervision

This policy forms part of the application and renewal process for a BC when applying for registration. The policy gathers more relevant principal and specific information that will assist Licensing and the BSB in making more consistent and expeditious decisions for the granting of registration. The BSB revokes all previous policies applicable in assessing proficiency in 'Management and Supervision' for registration.

The applicant is to continue to complete the necessary forms for registration but will also be required to complete a document that states "This to be completed as an addendum to" (document).

This document comprises of a number of questions and statements with the intent of establishing a consistent and expeditious approach as to whether the 'Management and Supervision' requirement has been satisfied. In doing so, a BC applying for registration will no longer be required to provide the following unless Licensing or the BSB requires further information in making their decision:

'A written submission outlining the arrangements in place that could include number of staff employed, capacity of staff, roles and responsibilities, nominated supervisor and job description, training, succession planning, OH&S, contracting procedures, quality control, client management, progress reports etc.'

ASSESSMENT

The assessing Licensing Officer will need to assess the suitability of each requirement by ensuring that every section of the document has been satisfactorily completed by the applicant. That is, where the applicant is asked to:

- (i) 'Select only one of the following' questions/statements that applies to them, then the applicant is to do so;
- (ii) 'Select one or more of the following', questions/statements that apply to them, then the applicant is to do so;

In instances where an applicant selects 'Other' in the document, the assessing Licensing Officer will exercise sound judgement as to the logic and suitability of the additional information received. Where necessary, the Licensing Officer may seek further clarification or further information from the applicant.

Some of the sections of the document have been extrapolated to illustrate this in the scenarios presented hereunder:

Scenario 1 (Management):

I/we have the following 'arrangements in place' so that budgets are developed and payments are made with financial and administrative diligence: (Select one or more of the following)

- I/we ensure all relevant staff are trained in financial and contractual obligations.
- I/we produce relevant information for staff in relation to financial and contractual obligations.
- I/we ensure that staff are aware of and have access to relevant information.
- I/we undertake regular internal reviews to ensure compliance with our financial and contractual obligations.
- Other (if so, please provide further information)

The staff have been advised to pay all accounts within 60 days after they have been approved by the Director.

In the above scenario 1, this *should* be sufficient to the assessing Licensing Officer and no further action is warranted but subject to any further assessment by the BSB.

Scenario 2 (Management):

I/we have the following 'arrangements in place' so that budgets are developed and payments are made with financial and administrative diligence: (Select one or more of the following)

- I/we ensure all relevant staff are trained in financial and contractual obligations.
- I/we produce relevant information for staff in relation to financial and contractual obligations.
- I/we ensure that staff are aware of and have access to relevant information.
- I/we undertake regular internal reviews to ensure compliance with our financial and contractual obligations.
- Other (if so, please provide further information)

I don't have any dedicated staff that pay people and leave this to my children to do when I have time.

In the above scenario 2, this *should not* be acceptable to the assessing Licensing Officer and further clarification could be sought from a BC prior to any further assessment by the BSB.

Scenario 3 (Supervision):

I/we have the following ‘arrangements in place’ so that budgets are developed and payments are made with financial and administrative diligence: (Select one or more of the following)

- Site supervisor(s)
- Director(s) of the company
- Construction Manager
- Production Manager
- Specialist contractor(s) (e.g. Building Inspector, Architect or Engineer)
- Other designated employee(s) not stated above qualified to conduct site audits and inspections
- Other (if so, please provide further information)

In the above scenario 3, this *should* be acceptable to the assessing Licensing Officer and no further action is warranted but subject to any further assessment by the BSB.

Scenario 4 (Supervision):

I/we have the following ‘arrangements in place’ so that budgets are developed and payments are made with financial and administrative diligence: (Select one or more of the following)

- Site supervisor(s)
- Director(s) of the company
- Construction Manager
- Production Manager
- Specialist contractor(s) (e.g. Building Inspector, Architect or Engineer)
- Other designated employee(s) not stated above qualified to conduct site audits and inspections
- Other (if so, please provide further information)

On very rare occasions, if neither Site supervisor nor Construction Manager are available, we may ask the Office Manager to do this.

In the above scenario 4, this should not be acceptable to the assessing Licensing Officer and further clarification could be sought from a BC prior to any further assessment by the BSB.

POLICY IMPLEMENTATION

Building and Energy officers reporting to the BSB will present recommendations based on the policy and will inform applicants of the policy.

OTHER RELEVANT POLICIES AND DOCUMENTS

- **Building Services (Registration) Act 2011 Part 3**

Registration of building service providers Division 1 Grant or renewal of registration
Division 1 – Grant or renewal of registration

s18. Registration of building service contractors

- (d) on registration or renewal of registration, will have at least one nominated supervisor for that class of building service contractor

- **Building Services (Registration) Act 2011 Part 3**

Nominated supervisors Division 2

s21. Nominated supervisor for building service contractor

s22. Effect of not having nominated supervisor

- **Building Services (Registration) Act 2011 Part 5**

Disciplinary matters – registered building service providers

s53. Disciplinary matters

GOVERNANCE

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