

Policy

BUILDING SERVICES BOARD

Sufficient knowledge of the duties and responsibilities of an owner-builder

Purpose

The purpose of this policy is to guide members of the Building Services Board (the Board), officers with powers delegated by the Board and Licensing Services staff in making appropriate, consistent and legally defensible decisions in relation to applications for owner-builder approval under the *Building Services (Registration) Act 2011* (BSR Act).

Scope

The policy applies to decisions on applications for owner-builder approval made under section 45(1) of the BSR Act.

Background

In relation to owner-builder approvals, the BSR Act provides as follows:

43. Application for owner-builder approval

- (1) An individual who is the owner of land may apply to the Board for approval to carry out owner-builder work on the land.
- (2) The application must be -
 - (b) accompanied by -
 - (i) evidence that the applicant is the owner of the land; and
 - (ii) evidence that the applicant or, if there is more than one applicant, at least one of the applicants, has sufficient knowledge of the duties and responsibilities of an owner-builder; ...
- (3) For the purposes of subsection (2)(b)(ii) evidence that a person -
 - (a) has successfully completed an owner-builder course prescribed by the regulations within the period prescribed by the regulations; or
 - (b) is a building service practitioner registered in a class of building service practitioner prescribed by the regulations for the purposes of this section,is to be taken to evidence that the person has sufficient knowledge of the duties and responsibilities of an owner-builder.

Policy Principles and Implementation

Generally

The following policy does not constrain the Board's capacity to depart from this policy as appropriate in the circumstances for any particular owner-builder approval application.

Sufficient knowledge of the duties and responsibilities of being an owner-builder

There are four broad means by which applicants can demonstrate they possess sufficient knowledge of the duties and responsibilities of an owner-builder to meet the requirements of section 43(2)(b)(ii) of the BSR Act.

1. Current registration as a building practitioner

Applicants who are currently registered as a building practitioner are automatically deemed to possess sufficient knowledge of the duties and responsibilities of an owner-builder under section 43(3)(b) of the *Building Services (Registration) Act 2011*.

2. Current registration in the building industry

Applicants who are currently registered in the building industry not prescribed under section 43(3)(b) of the *Building Services (Registration) Act 2011* (e.g. registered architects, registered building surveyors, registered building engineers, etc) are automatically deemed to possess sufficient knowledge of the duties and responsibilities of an owner-builder under 43(2)(b)(ii) of the *Building Services (Registration) Act 2011*.

Applicants applying under this pathway must provide evidence that they have completed the unit of competency – Prepare to work safely in the construction industry – (white card).

3. Previous registration as a building practitioner or in the building industry

Applicants who have previously been registered as a building practitioner or in the building industry not prescribed under section 43(3)(b) of the *Building Services (Registration) Act 2011* (e.g. registered architects, registered building surveyors, registered building engineers, etc) within five years of the time of application are automatically deemed to possess sufficient knowledge of the duties and responsibilities of an owner-builder under 43(2)(b)(ii) of the *Building Services (Registration) Act 2011*.

Applicants applying under this pathway must provide evidence that they have completed the unit of competency – Prepare to work safely in the construction industry – (white card).

4. Completion of an owner-builder course within two years of the date of the application.


Section 43(3)(a) of the BSR Act provides for an owner-builder course to be prescribed under the Building Services (Registration) Regulations 2011, the completion of which is deemed to be evidence that the applicant has the necessary knowledge of the duties and responsibilities of owner-builder for the purposes of that section. However, no course has been developed and prescribed to date.

In the absence of a prescribed course, the Board will accept documentary proof that the applicant has completed an owner-builder course relevant to Western Australian legislation, within two years of the date of the application, as evidence that the applicant has sufficient knowledge of the duties and responsibilities of an owner-builder.

Applicants applying under this pathway must provide evidence that they have completed the unit of competency – Prepare to work safely in the construction industry – (white card).

Where applications are not approved under delegation, they may be put to the Board for its consideration and decision.

Governance

Building Services Board Approval	
Meeting date: 10 September 2024	Item number: 4.1
Chairperson signature:	
Next review:	September 2027