



Northern
Territory
Government

DISCUSSION PAPER:

Post Moratorium: Reform of building regulation in the Northern Territory

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2014

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Purpose of the discussion paper

The purpose of this paper is to outline issues relating to building works that have incomplete certification or are unauthorised. The paper suggests possible policies that could prevent further instances of non-compliance with the building certification system and seeks comments from industry and the community on those matters. The Northern Territory Government is encouraging stakeholders to make comments and submissions on the issues raised in this paper so that the views of industry and the community are available to Government when making decisions about reform options.



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Executive Summary

This discussion paper sets out a number of potential reforms to provide alternate pathways to building certification; to increase capacity within the building certification industry to carry out certification services; and changes to the existing compliance requirements to build a culture of compliance within the community.

Key reforms include:

Three tiers of Building Certification

Occupancy Permit – *retained as the highest order of certification, new ability for building certifiers to issue Occupancy Permits for expired Building Permits.*

Certificate of Substantial Compliance – *for buildings with minor variances from the approved building permit.*

Certificate of Existence – *for buildings constructed with no building permit that meet minimum standards of health and safety.*

Increased capacity within the building certification system

Introduction of Building Inspector category – *building certifiers can utilise Building Inspectors to conduct inspections.*

Progressive lodgement of building certificates – *building practitioners to lodge certificates on the building file as issued.*

Government delivered certification services – *to provide certification services on a commercial basis.*

Exempt categories of building work – *reducing the need for building permits for low risk building works.*

Building a compliant building culture

Certificates of Self Certification - *allowing property owners to self certify basic structures.*

Penalty infringement notices – *penalties for building practitioners' non-compliance with Regulations.*



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Building Moratorium Background

In April 2009, a Moratorium on building enforcement was declared. The Moratorium suspended any enforcement of the *Building Act* on existing building works with incomplete or no certification, subject to there not being serious health or safety issues. The purpose of the Moratorium was to encourage existing building owners to achieve compliance. The Moratorium will end on **30 June 2014**.

At the time of the Moratorium's announcement, about 36,000 Building Permits did not have a corresponding Occupancy Permit. An examination of sample files showed that there could be half of this number that: have building permits that did not proceed to building works; did proceed to building works that have since been demolished or overtaken by renovation works that have a new permit; and did proceed to building works and the works are generally in order but the documentation was never completed. The remaining half of the outstanding Building Permits is the more challenging one that relates to buildings that require technical investigation and/or rectification works.

In addition, there are anecdotally many unauthorised building works - never subject to a Building Permit even though one was required under the *Building Act*.

Given the level of incomplete certification there is a need to review the regulation regime to ensure it is appropriate and relevant for the circumstances in the Northern Territory. There also needs to be a viable certification path for owners of existing buildings that are assessed as reasonably safe for occupation, whilst retaining the integrity of the building regulation regime through appropriate deterrence to prevent further non-compliances. Such a building regulation regime is likely to be more supported by building owners, the community, and industry and, thus, better able to be enforced.

This discussion paper proposes a new model for building certification to address existing building work with incomplete or no certification and, to facilitate increased compliance going forward.



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Incomplete Certification and Unauthorised building work

Building works that do not meet the requirements of the *Building Act* generally fall into two categories. They may be **building works with incomplete certification** where a Building Permit was issued but the process was not completed with an Occupancy Permit (or for a house in a Tier 2 area since 2006, a builder's declaration). They may also be **unauthorised building works** where no Building Permit was ever issued.

The main issue is what to do at the end of the Moratorium with existing buildings (incomplete certification and unauthorised work) in declared building control areas.

Under current legislation, if a Building Permit was never issued or was issued and has lapsed, a new Building Permit must be issued that requires the building works to meet the standards at the time of the fresh application in order to obtain an Occupancy Permit. (In practice, however, some Occupancy Permits are issued where building works have been completed in accordance with the lapsed Building Permit).

For many buildings with incomplete certification, it would be very costly and uneconomic to achieve compliance.

It is an offence to occupy a building without an Occupancy Permit or, for a house in a Tier 2 area after 2006, a builder's declaration.

The proposed Post Moratorium Policy would allow an owner to legally occupy an existing building subject to meeting certain criteria in the suggested policy.

Building Standards

The Building Code of Australia which along with the Plumbing Code of Australia; comprises the National Construction Code which is the minimum standard for building work adopted in the Northern Territory. These codes ensure that buildings meet an appropriate standard for health, safety and resilience appropriate to their location and intended use.



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Reforms to the building certification system

In recognition of the issues that gave rise to the introduction of the Building Moratorium several reforms to the building certification system are proposed that will provide property owners with alternative pathways to achieve a level of certification for buildings. It is proposed to create three tiers of compliance:

Occupancy Permit

The **Occupancy Permit** to remain the principal means of demonstrating that a building has been constructed in accordance with a building permit and is compliant with the building standards that applied at the time.

Currently where a Building Permit lapses, a new Building Permit must be applied for if work is to proceed or continue. This has the effect of requiring the owner to comply with the standards in force at the time of the fresh application.

Modification of the legislative requirements for the issuing of an **Occupancy Permit** are proposed to allow private building certifiers to issue an **Occupancy Permit** for building works authorised by a Building Permit even though the Building Permit has expired.

This reform recognises that in some instances building works were completed in accordance with a Building Permit however the final step of applying for an **Occupancy Permit** was never completed by the builder or property owner.

Additionally in order to ensure that **Occupancy Permits** are obtained going forward, the requirement that a property owner must apply for an **Occupancy Permit** in writing is proposed to be removed. It is proposed that following completion of a final inspection, the building certifier must either issue an **Occupancy Permit** within fourteen days or alternatively issue a Building Notice to the property owner specifying the outstanding building works. If the outstanding works are not completed within twenty eight days the matter must be referred by the building certifier to the Director of Building Control.

Certificate of Substantial Compliance

A **Certificate of Substantial Compliance** is a new category of certification that will allow property owners to demonstrate that the building work was appropriately authorised through a Building Permit and was substantially completed in accordance with the Building Permit and building standards that applied at the time.

This certificate recognises that building work (despite the intentions of the property owner or builder), may vary from that approved through the Building Permit. Once a Building Permit has expired it is not possible for a building certifier to amend the Building Permit to accommodate changes. This currently leaves property owners with no practical way of addressing incomplete certification.

It is proposed that in these circumstances a building certifier can undertake an assessment of the completed building work and, if in their opinion, the building was substantially completed in accordance with the Building Permit, they can recommend to the Director of Building Control that a **Certificate of Substantial Compliance** be issued.



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This reform will allow property owners with a legacy issue of building work that was commenced via a Building Permit at the outset to now achieve certification. This reform is particularly useful for building work where inspection records are incomplete or where certificates necessary to demonstrate compliance of certain aspects of the building work can no longer be reasonably obtained.

It is recognised that going forward such circumstances may continue to occur into the future and in these instances a property owner can likewise apply for a **Certificate of Substantial Compliance**.

Certificate of Existence

The issue of buildings that have been constructed without any authorisation via a Building Permit are particularly challenging for property owners to resolve primarily due to the expense of demonstrating that the building works were completed to an appropriate building standard.

In order to assist property owners it is proposed that a **Certificate of Existence** be created, to provide a base level of certification compliance. In order for a **Certificate of Existence** to be issued a property owner will need to apply to a private building certifier. The building certifier will document the existing building and assess whether the building meets a minimum level of safety to allow its continued use or occupation. The certifier will then provide a recommendation to the Director of Building Control along with supporting evidence who may, if appropriate, issue a **Certificate of Existence**.

In some instances buildings may not meet the necessary safety standard and they will be required to be either removed or upgraded within a reasonable timeframe specified by the Director of Building Control.

The creation of three tiers of compliance will allow property owners to engage with a building certification system that provides the wider community with the assurance that building works meet an appropriate level of safety and amenity.

This model of compliance reaffirms that the property owners who engage with the building certification system at the outset via obtaining a **Building Permit** and complete the building works in accordance with the permit and subsequently obtain a **Certificate of Occupancy** have achieved the highest level of compliance.



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Modified standards for building work

The adoption of a **Certificate of Substantial Compliance** and a **Certificate of Existence** relies on the acceptance by the community that in some circumstances it is appropriate to accept a modification from the standards of the National Construction Code.

What is an appropriate technical standard will need to be determined and requires input from building industry professionals. It is proposed that guidelines will be developed so that there is consistency (which is of particular importance in any private certification regime).

It should be noted when reading the proposed policies, that compliance with building standards (i.e. the National Construction Code) and compliance with a building permit are separate matters. For example, a window that is placed somewhere other than as specified on plans that form part of a building permit is an example of work that is not in accordance with the building permit. It does not necessarily mean, however, that the work as built does not comply with the relevant construction standards (the edition of the Building Code of Australia at the time of the issue of the building permit).

How can compliance be determined?

To determine whether the work meets, or reasonably or substantially meets the building permit, and meets the relevant standards, the legislation could provide for the following:

- A certifier must inspect the work to assess whether the work is 'reasonably' or 'substantially' in accordance with the building permit and whether the work meets the relevant building and plumbing standards.
- The certifier may require the owner to obtain an expert report (for example, a structural engineer's report).
- The certifier must then prepare a report on the basis of the inspection and or any relevant report. The report is to recommend whether the Director of Building Control should issue a **Certificate of Substantial Compliance** on the basis that in the opinion of the certifier, the building work, appears to meet the standards in force at the time of the issue of the building permit and substantially or reasonably complies with the building permit.
- If the Director of Building Control determines that it is inappropriate to issue a **Certificate of Substantial Compliance**, written reasons for the decision need to be provided. The owner can appeal the decision to the prescribed Tribunal.

In order to encourage owners to fully engage with the certification system at the outset, there are inherent disincentives that will apply to ensure this process is less attractive. As such:

- there will be a cost for the owner to engage a certifier to inspect the work;
- there may be a cost if the certifier requires a report from another practitioner;
- there is proposed to be a cost for the application to the Director of Building Control;
- any person that does not carry out building work fully in accordance with the building permit may be prosecuted.



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Where compliance is not achieved

If the Director of Building Control refuses to issue a **Certificate of Substantial Compliance**, the owner may then either appeal that decision, proceed to apply for a **Certificate of Existence**, or undertake the work necessary for a **Certificate of Substantial Compliance**.

Note

If, at any stage after the owner has applied for a recommendation from the certifier, the certifier forms the opinion that the work is unsafe, the building certifier must notify the Director of Building Control. If the Director of Building Control considers that the building is unfit for occupation or a danger to adjoining properties, a Building Order will be issued requiring either rectification works or demolition.

Example 1 (Incomplete certification)

Sam and Mary are considering buying a house. They obtain a building status report which shows that conversion of a carport to a bedroom had a building permit issued in 2000, but no occupancy permit was issued. This means that the extension is non-compliant. They want to explore options of whether compliance can be achieved.

Solution:

Under the proposed policy, they would be able to engage a building certifier and if the certifier considers that the extension substantially meets the requirements of the *expired* building permit, they could apply to the Director of Building Control for a **Certificate of Substantial Compliance**. Alternatively if it can be demonstrated that the building works were completed in accordance with the Building Permit an **Occupancy Permit** could be issued.

Example 2 (Unauthorised building work)

Dave is aware that the old shed on his rural property was constructed ten years ago without obtaining a building permit and he now wants to ensure all of the buildings on his property have building certification.

Solution:

Dave could engage a building certifier to assess whether the building work meets a minimum level of health, safety, and amenity and provide a recommendation to the Director of Building Control for a **Certificate of Existence**. The owner would have to comply with any requests by the certifier and or the Director of Building Control, and pay any fees.

If the building work is assessed to be below the minimum standards, the Director of Building Control may commence enforcement action to have the building rectified or removed.



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Building capacity within the building certification industry

A number of reforms are proposed which are considered to improve the capacity of the private building certification system to support property owners in achieving compliance in a cost effective and efficient manner.

Adding a building inspector category

The *Building Act* contemplates that a building certifier will, as an individual, issue a Building Permit and in person carry out all the inspections necessary to establish that the building works are compliant. However, the certifier may also rely on an inspection certificate, or a certificate that building work complies with the *Building Act* or *Regulations* issued by another building practitioner (section 40 of the *Building Act*).

It is proposed that the new building practitioner class (building inspector) be created to provide inspection services. The creation of independent building inspectors that can contract their inspection services to building certifiers is considered particularly beneficial for regional centres and remote communities, which are expensive to service by certifiers on a project by project basis. Building inspectors will be able to provide inspection services for all class 1 to 10 buildings with exception of the final inspection.

A building certifier will still be required to undertake the final inspection for all building work.

Because it is proposed that building inspectors will be able to independently contract their services they would be directly responsible for their services, and would be required to obtain professional indemnity insurance. A building certifier could rely on certificates issued by building inspectors, under section 40 of the *Building Act*.

This class of practitioner exists in Victoria and New South Wales and acts as a pathway for experienced building practitioners to transition to qualification as a building certifier.

Details regarding Victorian and New South Wales requirements for building inspectors are at Appendix A. The qualification and experience requirements set by the Australian Institute of Building Surveyors for building surveyors (certifiers) and assistant building certifiers are also annexed to that Appendix for information.

Government delivered service

Unlike other jurisdictions, the NT does not have the public sector providing an option for building certification services. Building certifiers are unique in the building industry in that their core business is regulation in the interests of the public on behalf of Government. This can create tension with the interests of their clients who pay them for the service. When a matter is straight forward it works well but when a decision has to be made against the client the tension comes to the fore. Further, private building certifiers often struggle with issues of risk and liability.



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Although it is envisaged that potential reforms would permit industry to provide services to address these legacy issues, private sector structural engineers, and certifiers may be unwilling from a risk perspective to take on the potential liability for these structures.

A possible solution could be the creation of a Government owned building certification unit that could provide services to the public in circumstances where the private sector is unwilling.

This independent Government owned building certification unit could operate on a commercial basis. It may provide general services but would particularly service remote areas, existing non-compliant buildings and higher risk cases not adequately serviced by the private sector.

Given the national shortage of registered building certifiers that is reflected in the NT and the cost of travel to remote areas, the independent Government building certification unit could use qualified persons in the private and public sectors under contractual arrangements.

The Government certification services unit would be subject to the same regulatory provisions that apply to other certifiers.

Progressive lodgement of certification

Some initiatives have already been implemented by Government to reduce instances where the certification process is not finalised. For example, the commencement of the Residential Building Cover Package on 1 January 2013 introduced a requirement for new dwellings and extensions that the final payment to the builder of no less than three percent of the contract price can only occur once an Occupancy Permit is issued. This measure acts as an incentive for Occupancy Permits (for these works) to be obtained.

There are some issues, however, that contribute to a high number of instances where certification for building work is not finalised by the owner obtaining an Occupancy Permit and consequently, many buildings although constructed safely, are occupied without an Occupancy Permit. Those issues are:

- there is no statutory timeframe for a builder to make a builder's declaration for buildings classed from 2-9;
- building practitioners have no statutory timeframe for the lodgement of **Section 40 Certificates**, which can lead to an impasse in the certification process;
- an **Occupancy Permit** currently requires an application by the owner; and
- inspection certificates are not lodged with the Director of Building Control until the application for the Occupancy Permit.

A possible solution is to introduce timeframes for a builders of class 2 to 9 buildings to issue a builder's declaration, a certifier to lodge inspection certificates and issue Occupancy Permits following completion of the Builder's Declaration, and all building practitioners that issue Section 40 Certificates. If there are outstanding requirements that prevent a building certifier from issuing an Occupancy Permit following completion of the builders declaration, a Building Notice could be issued by the certifier to ensure compliance action is taken within a particular timeframe. Outstanding issues may include things such as a lack of documentation that the



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certifier requires, or it could relate to building work, for example, some of the work has not been carried out in accordance with the Building Permit. This will mean that the owner will no longer be required to apply for the Occupancy Permit. It is proposed that this new procedure will apply to all building work, however, it is expected to be particularly beneficial in the domestic building context. This is because most owners of domestic building work are likely to engage in the building certification process only on a few occasions in a lifetime and the process should be as uncomplicated as possible.

Building Advisory Services will also be implementing a new process called 'closing the loop', whereby three months prior to the expiry of a Building Permit, a courtesy letter will automatically be sent to the property owner and certifier. This will alert the property owner of the need to further reengage with the building certifier to either cancel (if the works did not proceed) or extend the building permit to complete the certification process.

It is proposed that by requiring a certifier to lodge each inspection certificate with the Director of Building Control within seven calendar days after the inspection it will ensure that property building records are complete. As inspection certificates are required for the issue of an Occupancy Permit, it is preferable that inspection certificates be held if for example some unforeseen event occurs, such as the insolvency, death, or disappearance of the certifier or other practitioner.

The proposed timeframes could be:

- **section 40 construction certificate – seven calendar days;**
- **builder's declaration** for class 2-9 buildings - **fourteen calendar days** (consistent with requirements for class 1 and 10 buildings);
- certifier to lodge inspection certificates with the Director of Building Control – **seven calendar days** after the inspection;
- **Occupancy Permit** to be issued by the certifier within **fourteen calendar days** following completion of the builder's declaration.

This lodgement process could potentially be implemented via a web based portal to negate the need for over the counter lodgements.

Building works and works not requiring a building permit

The existing definition of building work encompasses all structures and buildings and as a consequence can require building approval for structures which can be relatively minor. As certification costs may be a substantial portion of the total cost for minor structures, owners are often reluctant to engage with the certification process.

Additionally, in some jurisdictions the definition of building work specifically excludes a range of structures which are regulated under other legislation or completed on or for Government agencies.

A Schedule of proposed building works that could be exempted from requiring a Building Permit is provided at Appendix B. This Schedule incorporates a number of works which are currently



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exempted and is broken down into the requirements for Cyclonic and Non Cyclonic regions, in recognition that Non Cyclonic regions represent a reduced risk to owners and adjoining property owners in the event of extreme weather events. It is also recognised that rural residential properties often contain a range of ancillary structures such as small sheds, aviaries and chicken coops, which are not constructed to a structural standard yet due to the size of rural allotments represent a reduced risk to adjoining property owners.

It is proposed that the Schedule will be referenced in the Building Regulations which will allow its periodic updating as required. Prior to the inclusion of the category of building work within the Schedule, the undertaking of a risk assessment by the Director of Building Control will be required.

Self-certification / assessment of sheds and minor structures

It is proposed to introduce a new category of certification (a **Certificate of Self Certification**) to eliminate the need for property owners to obtain a building permit when undertaking a range of minor building works. The types of building works could include garden sheds, shade sails and solid panel fences. This initiative would reduce cost to property owners of installation and the owner could either buy and install the product themselves or engage a third party to supply and install plus sign off on the work.

Following installation the Certificate would need to be lodged with Building Advisory Services for placement on the property building record. This ensures that the complete building record for each property is retained and available for viewing at the point of any future sale. The Certificate is a declaration by the person that installed the structure stating that it has been installed according to the manufacturer's specifications and or complies with the National Construction Code. It is the responsibility of the property owner that the **Certificate of Self Certification** is lodged on the property building record with this process potentially to be implemented via a web based portal to negate the need for over the counter lodgements.

Infringement notices / demerit point system

Many of the complaints investigated by Building Advisory Services relate to offences by building practitioners such as failure to issue compliant contracts; failure to complete work in accordance with the building permit; and proceeding with work without passing the required inspections. These types of actions can have significant repercussions for property owners trying to achieve certification for building work.

It is suggested that the legislation be amended to provide for the introduction of a demerit point system that is tied to the receipt of Infringement Notices and other penalties. Infringement Notices are used extensively in other pieces of legislation (both in the NT and interstate) and provide for the option of a less harsh way of dealing with some offences.

At the moment, the only manner of dealing with offences under the building legislation is prosecution through the Courts, which is costly and time consuming for both the defendant and Government and often traumatic for the defendant. Non-compliance with the building legislation



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can create significant repercussions for owners and the general community so it is important that there are disincentives for breaches. The introduction of Infringement Notices would act as a disincentive for building practitioners to ignore statutory obligations while at the same time, would provide an alternative to prosecution.

It is suggested that these notices could impose a financial penalty and the receipt of a certain number of notices within a two-year period would result in automatic referral to the Building Practitioners Board for disciplinary action. By having a referral to the Building Practitioner's Board for inquiry, it is suggested that the system would ensure that natural justice is preserved for building practitioners.

The type of disciplinary action could be any of the following:

- take no action;
- reprimand the practitioner;
- require the practitioner to pay all or a specified part of the reasonable costs of the Director in the inquiry;
- require the practitioner to give an undertaking to do, or not to do, a specified thing:
 - at any time or during any period; or
 - at a specified time or during a specified period;
- require the practitioner to pay to the Territory a civil penalty not exceeding 40 penalty units;
- suspend the practitioner's registration for a specified period (not exceeding three years);
- cancel the practitioner's registration.

If such a demerit point system were adopted, there would be no automatic loss or suspension of licence as the power to decide what disciplinary action to take would remain with the Building Practitioner's Board. It would also provide the Board with the option of taking no action.

Demerit point systems that do not take into account the relative volume of work activity have been criticised on the basis that practitioners that undertake a greater volume of work could reach the demerit point threshold more easily. A demerit point system could be established that takes into account the relative activity of the practitioner for the trigger of referral to the Building Practitioner's Board.

Possible offences under the *Building Act* and associated Regulations that could be subject to Infringement Notices and a demerit point system are set out in Appendix C.

Conclusion

While the building regulation regime may have served the Northern Territory reasonably well in the past and while the regime is generally consistent with those in other jurisdictions, the level of non-compliance throughout the Territory is unacceptable and indicates a need for review. This paper presents suggestions for possible changes.

The building regulation regime needs to be one that efficiently and effectively delivers safe and appropriate buildings for the good and enjoyment of the community. It needs also to be one that has the support and respect of the community and industry that should result in a higher level of compliance.



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You are invited to comment

This discussion paper has been prepared to identify issues, put forward proposals, and to invite submissions in relation to building certification in the Northern Territory. Comments and or submissions may be made on any aspect of the paper.

To have your say please send an email to bas.policy@nt.gov.au or post to:

Policy Officer
Building Advisory Services
Department of Lands, Planning and the Environment
GPO Box 1680
DARWIN NT 0801

Submissions/comments are invited before **Friday 4 April 2014**.

Privacy statement

Please state that clearly in your submission if you do not want your personal details released.

You should be aware that even if you state that you do not want certain information to be published, the Department may be required by law to release that information, for example, in accordance with the *Information Act* (NT).

Next steps

All submissions received will be acknowledged. **Please note that the acknowledgement will not be a response to specific issues raised.** Government considers the results of consultation with industry and the community and makes decisions on reform options through the evaluation of all submissions, and an analysis of issues relevant to a variety of stakeholders and sectors of the community.

Once the period for consultation closes, submissions will be examined and the results and recommendations provided to Government for consideration. Deliberation for possible reform options includes an analysis of whether the benefits will outweigh any costs of reform. This includes consideration of both qualitative (for example, benefits to society) and quantitative aspects (for example, direct costs to business/consumers/government) of various options.



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Appendix A – Qualifications and scope of work for building inspectors

Victoria

Entry for accreditation

Building inspector (limited)

- a diploma of building surveying from a course accredited under the *Education and Training Reform Act 2006*; and
- Two years of practical experience to the satisfaction of the Board; or
- a certificate issued by the Board, after examination of the applicant, certifying that the applicant has adequate knowledge and experience to inspect the classes and types of buildings or the components of building work specified in the certificate.

Building inspector (unlimited)

- a diploma of building surveying from a course accredited under the *Education and Training Reform Act 2006*; and
- Two years of practical experience to the satisfaction of the Board.

New South Wales

Entry for accreditation

One of the following Pathways:

- Pathway 1 – Qualified: Completed a building surveying course recognised as satisfying the qualification requirements for A1 or A2 or A3.
- Pathway 2 – Student: Working and continuing to work, under the supervision of a Category A1, A2 or A3 accredited certifier or an applicant seeking accreditation in Categories A1, A2 or A3, and undertaking a building surveying course that satisfies the qualifications criteria for Categories A1, A2 and A3 and if the applicant is enrolling to commence a course after 1 January 2010 the qualification must also be a qualification listed in the Evidence Checklists for Categories A1, A2 and A3. Alternatively completed a Certificate IV building course or have completed a Certificate IV Pre-purchase inspections course and working and continuing to work, under the supervision of a Category A1, A2 or A3 accredited certifier.
- Pathway 3 – Builders qualification: Completed a Certificate IV building course with six months practical experience relevant to this Category.



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- Pathway 4 - Pre-purchase qualification: Completed a Certificate IV Pre-purchase inspections course with six months practical experience relevant to this Category.
- Pathway 5 – Experience only: One year's practical experience relevant to this Category.

For Pathways 3, 4 and 5 practical experience relevant to this Category means employment as a building surveyor carrying out critical stage inspections under the *Environmental and Planning Assessment Regulation* for the purposes of assessing a building under construction for compliance with the development consent, complying development certificate, construction certificate and the BCA and includes experience obtained while working under the supervision of a Category A1, A2 or A3 accredited certifier under Pathway 2.

Scope of work

The *Environmental Planning and Assessment Act 1979*, and critical inspections required under clause 162A of the *Environmental and Planning Assessment Regulation* (except for the last critical stage inspection after the building work has been completed and prior to any occupation certificate being issued), and inspections required under clauses 129B and 143B of the *Environmental and Planning Assessment Regulation* for the following buildings:

- a) class 1 and class 10 buildings and
- b) class 2 - 9 buildings with a maximum rise of two storeys and a maximum floor area of 500m².

For the purpose of this Category of accreditation, the maximum floor area and maximum rise in storeys restrictions relate to the whole building and not part of the building. Accordingly, in the case of alterations, additions and renovations to existing buildings, the maximum rise in storeys and maximum floor area restrictions relate to the whole building, which includes the existing building and proposed new building work.

AIBS

Schedule 1: Recognised qualifications

1 The following qualifications are recognised by the Board for accreditation in the following categories-

1.1 Building Surveyor:

1.1.1 Bachelor of Construction Management and Economics (Building Surveying option) from the University of South Australia (UniSA) or



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1.1.2 Graduate Certificate in Building and Planning (internal or external delivery) from the University of South Australia (UniSA). Note: the Building Surveying subjects/modules of this program must be undertaken; or

1.1.3 Bachelor of Building Surveying and Certification (external delivery) from Central Queensland University (CQU); or

1.1.4 Bachelor of Building Surveying (internal or external delivery) from Holmesglen (Vic); or

1.1.5 Bachelor of Construction Management (Building) (internal or external delivery) (provisional accreditation) from University of Newcastle; or

1.1.6 Graduate Diploma in Building Surveying from Bond University QLD (provisional accreditation); or

1.1.7 Master of Building Surveying from Bond University QLD (provisional accreditation); or

1.1.8 Graduate Diploma in Building Surveying (internal/external delivery) from University of Western Sydney(UWS - provisional accreditation); or

1.1.9 Master in Building Surveying (internal/external delivery) from University of Western Sydney(UWS - provisional accreditation); or

1.1.10 An equivalent qualification that has been assessed by a *Recognised Training Organisation (RTO)* as meeting the higher education benchmarks listed in Schedule 2, section 1, for a Building Surveyor; or

1.1.11 An equivalent qualification that has been assessed by State or Territory legislation as meeting the benchmarks as a Building Surveyor and as agreed by the *Board*.

1.2 Building Surveyor Limited*:

1.2.1 Any of the qualifications recognised for Building Surveyor; or

1.2.2 An Advanced Diploma of Building Surveying (external delivery) from Tasmanian Polytechnic; or

1.2.3 Bachelor of Building Surveying and Inspection, (external delivery) from Central Queensland University (CQU) (provisional accreditation); or

1.2.4 Advanced Diploma of Building Surveying (external delivery) from WA TAFE Leederville; or

1.2.5 Bachelor of Built Environment from University of South Australia (UniSA) (provisional accreditation); or

1.2.6 Graduate Certificate in Building Surveying from Bond University QLD (provisional accreditation); or

1.2.7 An equivalent qualification that has been assessed by a *Recognised Training Organisation (RTO)* as meeting the national competency standards listed in Schedule 2, section 2, for an Building Surveyor Limited*; or



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1.2.8 An equivalent qualification that has been assessed by State or Territory legislation as meeting the benchmarks as an Building Surveyor Limited* and as agreed by the *Board*.

1.3 Assistant Building Surveyor**:

1.3.1 Any of the qualifications recognised for Building Surveyor or Building Surveyor Limited*; or

1.3.2 A Diploma of Building Surveying (external delivery) from Tasmanian Polytechnic; or

1.3.3 A Diploma of Building Surveying (external delivery) from WA TAFE Leederville; or

1.3.4 A Diploma of Building Surveying (external delivery) from OTEN Sydney (provisional accreditation); or

1.3.5 Associate Degree in Built Environment from University of South Australia (UniSA) (provisional accreditation); or

1.3.6 Associate Degree of Building Surveying (external delivery) from Central Queensland University (CQU); or

1.3.7 An equivalent qualification that has been assessed by a *Recognised Training Organisation (RTO)* as meeting the national competency standards listed in Schedule 2, section 3, for an Assistant Building Surveyor**; or

1.3.8 An equivalent qualification that has been assessed by State or Territory legislation as meeting the benchmarks as an Assistant Building Surveyor** and as agreed by the *Board*.

...

Schedule 3: Required experience

For each category of accreditation, the experience expected for accreditation includes, but is not limited to, experience in the following areas:

1 Building Surveyor

1.1 The practice of researching, analysing, advising, lecturing, assessing, and interpreting laws, regulations, codes and standards relating to building construction and occupant safety in buildings of all classes and of unlimited size, including:

1.1.1 Providing advice on building control legislation and/or building policy matters; and

1.1.2 Training or instructing other persons in matters of building policy, building compliance, and building control legislation at a tertiary level.

1.2 Assessing building plans for proposed building work of unrestricted size for the purpose of-

1.2.1 certifying compliance with relevant building control legislation; and

1.2.2 issuing building approvals or permits for proposed building work that will comply with relevant building control legislation.



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1.3 Undertaking inspections of building work to check compliance with relevant legislation and/or documentation;

1.4 Issuing compliance certificates for inspected building work that complies with relevant legislation and/or approved plans and documentation;

1.5 Issuing approvals or permits to occupy buildings or parts of buildings;

1.6 Initiating enforcement action where building work does not comply with a building approval or permit; where illegal building work has been carried out; or where unhealthy or unsafe conditions require urgent or staged remedial action; and

1.7 Assessing the health and safety status of existing buildings and providing advice on priorities for upgrading.

2 Building Surveyor Limited*

2.1 The practice of researching, analysing, advising, lecturing, assessing and interpreting laws, regulations, codes and standards relating to building construction and occupant safety in buildings of all classes of not more than 3 storeys in height and not more than 2000m² in floor area; including

2.1.1 providing advice on building control legislation and/or building policy matters; and

2.1.2 training or instructing other persons in matters of building policy, building compliance, and building control legislation at a tertiary level.

2.2 Assessing building plans for proposed building work that is not more than 2000m² in floor area and not more than 3 storeys in height for the purpose of-

2.2.1 certifying compliance with relevant building control legislation;

2.2.2 issuing building approvals or permits for proposed building work that will comply with relevant building control legislation;

2.3 Undertaking inspections of building work to check compliance with relevant legislation and/or documentation;

2.4 Issuing compliance certificates for inspected building work that complies with relevant legislation and/or approved plans and documentation;

2.5 Issuing approvals or permits to occupy buildings or parts of buildings;

2.6 Initiating enforcement action where building work does not comply with a building approval or permit; where illegal building work has been carried out; or where unhealthy or unsafe conditions require urgent or staged remedial action; and

2.7 Assessing the health and safety status of existing buildings and providing advice on priorities for upgrading.



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3 Assistant Building Surveyor**

3.1 The practice of researching, analysing, advising, lecturing, assessing and interpreting laws, regulations, codes and standards relating to building construction and occupant safety in Class 1 and 10 buildings that are not more than 500m² in floor area and not more than 2 storeys in height including -

3.1.1 providing advice on building control legislation and/or building policy matters; and

3.1.2 training or instructing other persons in matters of building policy, building compliance, and building control legislation at a tertiary level.

3.2 Assessing building plans for proposed building work for the purpose of-

3.2.1 advising on compliance with relevant building control legislation;

3.2.2 assisting in the issuing of building approvals or permits for proposed building work that will comply with relevant building control legislation;

3.3 Undertaking inspections of building work to check compliance with relevant legislation and/or documentation;

3.4 Assisting in issuing approvals or permits to occupy buildings or parts of buildings;

3.5 Assisting in undertaking enforcement action where building work does not comply with a building approval or permit; where illegal building work has been carried out; or where unhealthy or unsafe conditions require urgent remedial action; and

3.6 Assessing the health and safety status of existing buildings and providing advice on appropriate upgrading requirements.

Appendix B – Proposed building work for which Building Permits will not be required

TYPE OF BUILDING WORK	CYCLONIC REGIONS (Region C as defined in AS1770)	Non CYCLONIC REGIONS
Class 10a building that has a floor area not exceeding 10 m ² and is no more than 2.4 m in height	Certificate of Self Certification required	Exempt
Class 10a building that has a floor area not exceeding 30 m ² and is no more than 3 m in height and is situated on a lot greater than 1 ha in area. Examples include aviaries, sheds, minor rural structures subject to NT Planning Scheme requirements	Certificate of Self Certification required	Exempt
Temporary offices and sheds used by builders used exclusively for the purposes of that building or work.	Exempt	Exempt
Fence, screen or similar structure that is no more than 1.8 metres in height	Certificate of Self Certification required	Exempt
Construction, erection, assembly or placement of a mast, antenna, satellite dish or similar structure. Subject to size and height requirements	Certificate of Self Certification required	Exempt
Construction, erection, assembly or placement of a retaining wall no more than 1 metres in height which is not relied on by a building for structural integrity	Certificate of Self Certification required	Exempt



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A pergola or shade sail that has an area not exceeding 30m ² and is not less than 50 mm from a building and is not attached or connected to any way to any building.	Certificate of Self Certification required	Exempt
Repair, renewal or maintenance of part of an existing building subject to: <ul style="list-style-type: none"> a) will not adversely affect the structural soundness of the building or incidental structure b) is done using materials commonly used for the same purpose as the material being replaced; and c) will not change the use or classification of the building or incidental structure d) excluding reroofing of a building e) excluding changes to any part of a fire safety system 	Certificate of Self Certification required	Certificate of Self Certification required
Attachment of photovoltaic panels to the roof of a Class 1 or Class 10a building. Subject to maximum roof area coverage and setbacks to roof edges.	Certificate of Self Certification required *Must be suitable to meet the cyclonic standard for Region C	Certificate of Self Certification required
Attachment of a solar hot water system to a roof of Class 1, Class 2 or Class 10a building	Exempt * Certification from a certifying Plumber & Drainer required	Exempt * Certification from a certifying Plumber & Drainer required
Any building that is not of a Class listed in clause A3.2 of the BCA Volume one and clause 1.3.2 of the BCA Volume Two and is prescribed by Regulation	Certificate of Self Certification required	Certificate of Self Certification required



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as a 'special structure'		
Any sign that is: a) less than 3m from a road reserve boundary and does not exceed 1m in height above ground level; or b) not less than 3 m from a road reserve boundary and does not exceed a height of 8m above ground level; and 6m in display area.	a) Exempt b) Building Permit required	a) Exempt b) Certificate of Self Certification required
Any facility (within the meaning of paragraph (b) of the definition of facility in section 7 of the Telecommunications Act 1997 of the Commonwealth) and construction or demolition of such a facility by a carrier.	Certificate of Self Certification required	Certificate of Self Certification required
Installation of external roll up blinds, louvers or sunscreens to class 1 and associated class 10 buildings	Exempt	Exempt
Installation of wall, roof, ceiling or window mounted airconditioning units in class 1 and 10 buildings	Certificate of Self Certification required	Certificate of Self Certification required
Construction, maintenance or repair of harbours, wharfs and other maritime structures, unless the structures are buildings for residential purposes, or are storage or service facilities	Certificate of Self Certification required	Certificate of Self Certification required
Monumental masonry within cemeteries, sculpture, or the erection or construction of statues, fountains or other works of art, other than work affecting the	Exempt	Exempt



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structure of a building		
Prefabricated bus shelter constructed on behalf of the authority responsible for management of the road reserve	Certificate of Self Certification required	Exempt
Prefabricated playground equipment or cubbyhouses	Certificate of Self Certification required	Exempt
A Bridge that does not encompass or extend a Habitable building	Certificate of Self Certification required	Certificate of Self Certification required
Shipping containers subject to the provision of tie down points and compliance with setback requirements in the NT Planning Scheme	Certificate of Self Certification required	Certificate of Self Certification required
Ancillary structures attached to onsite vans in caravan parks such as annexes	Building Permit required	Certificate of Self Certification required

Appendix C – Possible offences for Infringement Notices / demerit system

- Carry out building work (including providing services) without a nominee
- Entering into non-compliant building contracts: For example;
 - entering into a contract that does not meet the requirements relating to progress payments
 - failure to specify the extent of work under a building contract
 - no declaration accompanying an invoice for payment of a progress claim
- Seeking a progress payment in advance of completion of work
- Carrying out work otherwise than in accordance with the building permit
- Failing to notify the building practitioners board of changes affecting registration
- Failing to comply with a request from the Director of Building Control or an authorised officer for information or the production of a document
- Failing to return a registration certificate following the suspension or cancellation of registration
- Failing to display the certificate of registration in a conspicuous place at the place of business in the Territory
- Failing to make or provide a certification document within the relevant timeframes (i.e. a builder's declaration, or a copy of building permit and accompanying documentation)
- Failing to notify the certifier of a change of builder
- Proceeding with work without passing a required inspection stage
- Failing to give 24 hours notice of entering onto adjoining property for protection works or hindering a person carrying out protection works
- Failing to advise the Director of Building Control that a Building Order has been issued
- Failure to give written reasons for the refusal of a building permit or occupancy permit