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## Occupational Licensing

OCCUPATIONAL LICENSING (BUILDING SERVICES WORK) DETERMINATION JANUARY 2017

I, DALE EDWARD WEBSTER, Administrator of Occupational Licensing, make the following Determination for the purpose of sections 27, 30 and 31 of the *Occupational Licensing Act 2005*.

### Short title

This Determination may be cited as the Occupational Licensing (Building Services Work) Determination 2017.

### Commencement

This Determination will commence on the date of its publication in the Gazette and replaces any previous Occupational Licensing (Building Services Work) Determinations.

### Interpretation

In this Determination:

“**Act**” means the *Occupational Licensing Act 2005*

“**Administrator**” has the same meaning as section 3 of the Act

“**Building Services Provider**” has the same meaning as section 3 of the Act

“**Licensed Entity**” has the same meaning as section 3 of the Act

“**Licensed Person**”, of a licensed entity, has the same meaning as section 3 of the Act

“**Owner Builder**” has the same meaning as section 4 of the *Building Act 2016*

“**Permit Authority**” has the same meaning as section 4 of the *Building Act 2016*.

### Objects of this Determination

This Determination is to determine the:

- 1) classes and scopes of Building Services Providers work for the purposes of issuing Building Services Providers licences; and
- 2) minimum qualifications and competence of Building Services Providers for the issue of a licence; and
- 3) to make specific provisions regarding the licensing of Building Services Providers:
  - (a) that are Licensed Entities; or
  - (b) for the category of Permit Authority; or
  - (c) that are owner builders of Class 10a structures.

### Adoption of the Scheme for the Accreditation of Building Practitioners 2008

- a) The Scheme for the Accreditation of Building Practitioners 2008 (as Amended) is adopted for the purposes of licensing of Building Services Providers under the Act.
- b) Notwithstanding clause a), the requirement in the scheme to provide, on application and renewal, a Statement of Financial Capacity signed by an appropriately qualified accountant is not adopted and therefore does not apply.
- c) Clauses 7 and 8 of this Determination are determined to be an addendum to that Scheme.

### Licensed Entities' Insurance

A licensed building services provider that is Licensed Entity must hold the minimum level of insurance cover as provided in the “Ministerial Insurance Order Required Insurance for Building Practitioners 2008” (as amended) that is relevant to the category and scope of work performed by that licensed building services provider.

**Requirements for Permit Authority category****(a) Continuing Professional Development (CPD) requirements**

- i. Part 6 of the Scheme for the Accreditation of Building Practitioners 2008 (as amended) applies to a building services provider in the category of Permit Authority.
- ii. Required CPD activities for a licensed Permit Authority equates to 12 points per year or 36 points over a three year period.

**(b) Insurance requirements**

Part A of the “Ministerial Insurance Order Required Insurance for Building Practitioners 2008 (as amended) applies to a building services provider in the category of Permit Authority.

**Requirements for Building Services Provider (Owner Builder Class 10a) category****(a) Scope of work**

An owner of a premises may apply to the Administrator of Occupational Licensing for a licence as a Building Services Provider (Owner Builder Class 10a) which will give the licence holder the same scope of work as a licensed builder with regard to Class 10a structures, with the condition that it is limited to building work to be performed at a specified address owned by the licence holder..

**(b) Eligibility**

A person is eligible to be granted a Building Services Provider (Owner Builder Class 10a) licence if the person

- i. the person is a natural person; and
- ii. the person owns the premises in respect of which the work to be performed under the proposed licence relates; and
- iii. the person intends, or another owner builder in respect of the premises intends, to carry out or manage the building work on the premises under the authority of the proposed licence, whether or not that work has commenced before the proposed licence is issued; and
- iv. the person does not intend, or another owner of the premises does not intend, to perform permit demolition work, or notifiable demolition work, within the meaning of the *Building Act 2016*, under the authority of the proposed licence; and
- v. has engaged a building surveyor in respect of notifiable or permit work to be performed as a Building Services Provider (Owner Builder Class 10a) as required under the *Building Act 2016*.

DALE WEBSTER, Administrator, Occupational Licensing

1 February 2017

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