

Building Interim Regulations 2017

This fact sheet explains key amendments introduced through the Building Interim Regulations 2017. The Building Interim Regulations were amended on 1 July 2017 to implement changes to the Building legislation in 2016.

THE AMENDMENTS

On 1 July 2017, the Building Interim Regulations 2017 were amended. The purpose of this Fact Sheet is to outline three key amendments for the registration of building practitioners:

- Prescribed Qualifications;
- Scopes of Work; and
- Change of Class (Domestic Builder – Manager).

WHAT THE AMENDMENTS MEAN

Prescribed Qualifications

The Building Interim Regulations 2017 detail the educational and experience requirements (taken together these are known as ‘prescribed qualifications’) for registration as a building practitioner. These requirements differ for each category of registration. The VBA is required to consider both the formal qualifications and the practical experience of an applicant for registration. Prior to 1 July 2017, educational requirements were identified by type, for example, “a degree in building surveying from a university or institution approved and authorised ...”.

The Regulations now detail the educational requirements more specifically, for example, a Bachelor of Building Surveying from Holmesglen Institute or Victoria University.

Will the VBA still consider both the qualifications and experience of the applicant for registration?

Yes. While a formal qualification is important the applicant must also show that they are able to apply the theoretical knowledge and practical skills gained through experience.

Will the VBA still be able to register an applicant who has education and experience equivalent to the ‘prescribed qualifications’?

Yes. Even though the prescribed qualifications are specific, the VBA still has the power to consider whether an applicant has knowledge and experience equivalent to a prescribed qualification, including through the completion of any alternative certificate and/or experience.

The VBA will be developing guidance to assist in identifying what may be considered equivalent to the prescribed qualifications.

The new regulations state that a Domestic Builder-Unlimited (DB-U) must possess the prescribed qualification of a bachelor degree or a diploma. Is it really necessary for a person wanting to be a builder to go to university before they can be registered?

The VBA may register an applicant for registration who has the required knowledge and skills even if they have not obtained the prescribed qualification. Remember the ‘prescribed qualification’ is BOTH the education and experience. Many candidates for registration will find that, for example, a certificate IV together with relevant practical experience and skills may satisfy the equivalent qualification pathway to registration.

Is a Certificate IV in Building and Construction (Building) a relevant qualification for registration as a Domestic Builder (Unlimited)?

While a Certificate IV does not provide all the elements of the required knowledge for registration as a Domestic Builder (Unlimited), an applicant may still hold a qualification that, taken together with experience, may be considered equivalent to the prescribed qualification.

For example, this may include completion of a Certificate IV and sufficient relevant experience. Taken together, an applicant may be assessed by the VBA to meet the registration requirements.

The VBA looks favourably upon builders that hold a qualification as this enhances the knowledge and skills of building practitioners in the industry.

How will the regulations be kept up to date with the increased specificity of prescribed qualifications?

The Regulations will be reviewed and updated annually to ensure the prescribed qualifications remain current.

Will courses commenced prior to 1 July still be recognised by the VBA?

Yes. Courses commenced prior to 1 July that do not fall within the new and more specific prescribed qualifications will be assessed by the VBA using the equivalency provisions.

I am currently completing a course that is not listed in the new regulations. Am I obliged to stop this course and apply for a prescribed qualification instead?

No, a candidate for registration may still complete a qualification and apply for registration.

For example, the completion of a qualification and sufficient relevant experience might be assessed as holding a qualification equivalent to the prescribed qualification.

Scopes of Work

The Regulations define the scope of work that registered building practitioners in each class and component of Domestic Builder, Building Surveyor and Building Inspector can undertake. These definitions are consistent with the VBA Practitioner Guides currently published on the VBA website.

A number of practitioners hold registrations that do not match these new definitions. As a result, some practitioners will need to be transitioned to the new scopes of work, potentially with a condition attached to their registration. These practitioners will be contacted directly by the VBA.

These changes will not change the work practitioners are registered to undertake.

It is an offence for a practitioner to carry out work outside the scope of their registration. This is particularly relevant to registered building practitioners who build 'spec' homes as they now need to hold an unlimited domestic registration to build such homes.

Why are the scopes of work changing now?

Historically, the former Building Practitioners Board registered practitioners in numerous components of building work that do not match the current scope of work definitions.

As of 1 July 2017, it is an offence to carry out work unless the practitioner's registration authorises the carrying out of that work as per the Regulations.

As a result, a practitioner's registration will need to align with the scopes of work defined in the Regulations. This applies specifically to Building Surveyors, Building Inspectors, Commercial Builders and Domestic Builders.

How will this affect the work I am able to do?

The changes will not affect the scope of work a practitioner is able to undertake.

Practitioners required to transition to a new scope of work will be contacted by the VBA. The changes to the registration will be explained as will any conditions attached to the registration.

Do the changes impact Owner Builders?

From 1 July 2017, the exemptions under the Owner Builder provisions no longer apply. Where building registration is required for an Owner Builder, the registration held by the Owner Builder must authorise the carrying out of that type of building work.

Change of class – Domestic Builder (Manager)

As of 1 July 2017, the class of Domestic Builder (Manager) has been changed to Project Manager (Domestic). While the scope of work for this class has remained unchanged, the prescribed qualifications for registration have been increased with a bachelor degree or graduate diploma required.

As part of the transitional provisions, practitioners currently registered as a Domestic Builder (Manager) will be given the opportunity to up-skill to meet the new qualifications for registration as Project Manager (Domestic).

These changes will occur over a five-year transition period. The VBA will be in contact with all affected practitioners to advise them of the changes in more detail. In the meantime the current class of Domestic Builder (Manager) will apply.