

POLICY FRAMEWORK for BUILDING CERTIFIERS

Building Certification Assistance for Regional and Remote Building Control Areas

THE MORATORIUM

The Government has announced a two-year moratorium across the Territory on enforcement action for non-compliance under the *Building Act*. Such action will be suspended until 30 June 2011. The purpose of the moratorium is to allow owners of existing buildings which are **unauthorised** or have **incomplete certification** to achieve compliance. The moratorium is an announcement of Government policy and does not remove any obligations under the *Building Act*.

The moratorium covers all declared Building Control Areas and applies to all buildings which:

- were built before 28 April 2009; and
- do not have a building permit (i.e. the structure is unauthorised); or
- have a building permit but not an occupancy permit or builder's declaration (i.e. incomplete certification).

Unauthorised buildings will require a building permit, evidence of construction to current building standards and an occupancy permit or builder's declaration.

Buildings with **incomplete certification** will require evidence of construction in accordance with the building permit and an occupancy permit or builder's declaration.

During the moratorium, existing buildings will continue to be subject to emergency orders and upgrading for fire protection if assessed as being a hazard to people.

A partly constructed building with an expired building permit may require the current building standards to be met for any further work.

It should be noted that new building work (ie built after 28 April 2009) must meet all certification requirements during the moratorium and enforcement action may apply for any found in breach.

THE SUBSIDY

In recognition of the additional costs associated with private certification in regional and remote building control areas (including Tennant Creek and Katherine), the Northern Territory Government has also introduced a travel subsidy.

In providing this subsidy the Government in no way warrants the work undertaken by the Building Certifier nor does the Government accept any liability for any accidents which may occur in the course of subsidised travel. It is incumbent upon Building Certifiers to maintain their professional registration, the roadworthiness of their vehicles and to hold adequate insurances.

Conditions of the Subsidy

The subsidy is based on travel from the nearest centre where Building Certifiers are resident. For example, where building works are in Katherine, a Building Certifier in Darwin will be eligible for a subsidy reflecting part of the cost associated with travel to and from Katherine. Similarly, where building works are in Tennant Creek, a Building Certifier in Alice Springs will be eligible for a travel subsidy to inspect the works.

Where Building Certifiers engage inspectorial services with inspectors who live in remote locations, the subsidy will only apply for travel outside the Building Control Area where they reside. For example, a Building Certifier who contracts an inspector who lives within the Tennant Creek town boundaries will not be eligible for a subsidy if they conduct an inspection in Tennant Creek. However, if that same inspector were to conduct an inspection in Elliott, then they would be eligible to claim for a subsidy.

The subsidy will only apply to a reasonable number of inspections for each project. Re-inspections due to defective work or inspections that result from failure to have work ready at the appointed time will not be subsidised. Further, the Building Certifier is expected to make every endeavour to group inspections so that, where possible, several can be included during each subsidised trip. In particular this applies to inspections of buildings covered by the moratorium (ie existing buildings that are unauthorised or have incomplete certification).

How much is the Subsidy?

Whilst the property owner must pay for inspections and any other costs associated with the actual building permit, the subsidy covers a part of the costs associated with travel to and from remote locations.

The travel subsidy applies to travel related to inspections in **Tier 2 Building Control Areas** (with the exception of Brewer Estate). The subsidy is based on an amount of \$2 per kilometre. Annexed to this document is a **Table of Rates** which sets out the amount of the subsidy which may be claimed.

Whichever method the Building Certifier uses to travel to a given destination (i.e. by car or air), the rate of the subsidy to that destination does not change. Upon receipt of documentation confirming travel, the Building Certifier shall be entitled only for the amount specified herein.

Where appropriate, reasonable accommodation costs may also be claimed. The Building Certifier is expected to provide receipts showing the amounts paid. The costs incurred for food and beverage are not included in the subsidy.

Exceptions to the \$2 km Flat Rate Subsidy

In the instance where a certifier attends a place within the Highways Control Plan (HCP) (i.e. not one of those destinations specified in the attached Table of Rates) the Building Certifier is expected to provide odometer readings to confirm the distances travelled.

For the sake of clarity, the Department has split the Territory into northern and southern regions (i.e. northern: Darwin to just north of Elliott and southern: Alice Springs to Elliott). By way of example, if a Building Certifier accepts work in Powell Creek (i.e. south of Elliott, so in the southern region), he or she will be entitled to a subsidy for travel from Alice Springs to Powell Creek.

Borroloola is in a unique position, it is approximately 1,000 Km from Darwin so it is uneconomic to drive there. The Table of Rates lists a subsidy of \$3,500 which seeks to account for the fact that Building Certifiers are much more likely to travel there by air.

What is not covered?

The subsidy will not cover:

- inspections for single residential dwellings and associated sheds approved after 3 July 2006 (in Tier 2 areas only a builder's declaration is required to complete the certification);
- inspections in excess of the number stated on the building permit;
- re-inspections where work was found to be defective or was not ready at the arranged time;
- inspections on building work owned by Australian or Northern Territory Governments; and
- inspections on building work outside the declared building control areas

How do I make a claim?

In the first instance, the Building Certifier should complete and submit a registration form. Claim forms can be submitted to BAS for approval. You must list any and all inspections carried out in the course of the trip, regardless of whether these are eligible for the subsidy.

The information required is detailed in the registration and claim forms which are available from any BAS office or from the website: www.nt.gov.au/buildingmoratorium.

It is Government policy that the disbursement of public monies requires processes which are wholly accountable.

What about my accommodation costs?

If the Building Certifier is seeking to claim the costs incurred for accommodation, the claim must include an explanation as to why overnight accommodation was required together with originals or copies of receipts for the actual cost of accommodation (this does not include the cost of meals or beverages).

Each claim will be considered on its merits. BAS retains a discretion as to whether it agrees with the Building Certifier's claim for subsidy. The underlying principle is whether or not the claim is reasonable in the circumstances. See below for some examples:

- Example (a):
If a Darwin Building Certifier was engaged to inspect a property in Katherine, BAS typically has an expectation that the parties could make arrangements such that the work could be conducted within daylight hours. Therefore, BAS would not necessarily support a claim for overnight accommodation. However, if they were to mount a particularised claim that was reasonable in the circumstances (e.g. multiple inspections), BAS would consider it and make a determination.
- Example (b):
If an Alice Springs Building Certifier was engaged to inspect a property in Tennant Creek, given the time taken to drive there BAS appreciates that it may not be possible for the Building Certifier to complete the work and have sufficient time and energy to return home in one day. In such a case, BAS would typically support a claim for overnight accommodation.
- Example (c):
If a Darwin Building Certifier was engaged to inspect several properties in Pine Creek and/or its environs and the inspections were, for example, to be conducted on a Friday then continue on a Monday etc, BAS would consider supporting a claim for overnight accommodation BUT would not, as a general rule, subsidise accommodation for the weekend. That is: Friday night might be subsidised but Saturday and Sunday nights would not.

Table of Rates

Tier 2 - Building Control Areas	Kilometres (approx.)	Subsidy (per trip – not incl. accommodation)
Darwin to:		
• Adelaide River	110	\$440.00
• Batchelor	100	\$400.00
• Jabiru	260	\$1,040.00
• Katherine	320	\$1,280.00
• Katherine Gorge	350	\$1,400.00
• Larrimah	500	\$2,000.00
• Mataranka	420	\$1,680.00
• Namarada	150	\$600.00
• Pine Creek	225	\$900.00
• Timber Creek	600	\$2,400.00
Alice Springs to:		
• Elliott	760	\$3,040.00
• Kings Canyon	230	\$920.00
• Tennant Creek	500	\$2,000.00
• Ti Tree	200	\$800.00
• Yulara	450	\$1,800.00
Other destinations:		
• Darwin to Borroloola*	1,000	\$3,500.00
• Areas within the NT Highways Control Plan	per odometer reading	Rate of \$2 per Km

Tier 1 - Building Control Areas		
• Darwin	<i>excluded</i>	<i>excluded</i>
• Alice Springs	<i>excluded</i>	<i>excluded</i>
• Lake Bennett	<i>excluded</i>	<i>excluded</i>

Tier 2 - Building Control Area		
• Brewer Estate	<i>excluded</i>	<i>excluded</i>

* The Borroloola rate is an exception to the general rate.