

Building Work Contractors

Body Corporate: Guidelines for Applicants

Does your company need to be licensed?

A body corporate must be licensed as a building work contractor if it carries on the business of performing building work for others or performing building work with a view to the sale or letting of land or buildings improved by that work. The body corporate (e.g. a company) must hold its own licence; it is not covered by a licence held by one of its directors or shareholders.

“Performing” building work includes causing building work to be performed or organising or arranging for the performance of building work. “Building work” includes a broad range of construction, trade and associated work. It includes demolition and site preparation work.

Nomination of a building work supervisor

A company will be required to nominate an appropriately registered building work supervisor. This person must be either a director or an employee of the company and their registration must cover all of the scope of work for which the company is able to contract. The company may choose to nominate more than one supervisor whose registrations combined cover the scope of work for which the company is able to contract.

If the company does not have an approved supervisor in place for more than 28 days, the licence is suspended.

Is the company eligible to obtain a licence?

A body corporate is entitled to be licensed as a building work contractor if it meets the following criteria:

- The director/s meet the business criteria (refer Business Criteria).
- Each director is a fit and proper person (refer to the National Police Certificate information).
- The body corporate has sufficient financial resources.
- The body corporate and each of its directors are not suspended or disqualified from practicing or carrying on an occupation, trade or business under Australian law.
- It is not being wound up and is not under official management or receivership.
- During the last 2 years no director has been an insolvent under administration within the meaning of the Corporations Act 2001 (eg bankrupt) or subject to a composition or deed or scheme of arrangement with or for the benefit of creditors.*
- During the last 5 years no director has been a director of a body corporate wound up for the benefit of creditors when it was being wound up or within 12 months before it commenced winding up.

*You may still be eligible for a licence, limited to subcontracting. Please contact our office for more information.

How do I apply?

Visit our website www.cbs.sa.gov.au and apply on line, or come in to our customer service centre at 91 Grenfell Street Adelaide.

All applications need to be printed, signed and submitted with the appropriate supporting documentation.

What information do I need to provide to lodge an application?

Fees

The application and pre-grant fees specified in the fee schedule.

National Police Certificate (NPC)

A NPC is required for all directors, except when:

- The applicant company is listed on the Australian Stock Exchange
- The director is a director of another company listed on the Australian Stock Exchange
- The applicant is a body established by statute (eg a council or Government authority)
- The applicant or director has lodged a NPC with Consumer & Business Services within the previous 12 months
- The applicant or director is an overseas resident who has never resided in Australia.
- The applicant has held a licence within the last 12 months and is applying for an equivalent licence. Note: in the case of a company the director must have been recorded as such at the time the company was last licensed.
- The applicant or director already holds or is associated with another licence issued under this Act for which a fit and proper person assessment has already been conducted (eg. Holds a BLD individual contractor licence and is applying for BLD body corporate licence as a director).

The certificates must be no more than twelve months old at the time of lodging your application. A NPC can be obtained through state and territory police departments and the Australian Federal Police. Alternatively, you can obtain National Criminal History/Record Checks from CV Check Pty Ltd (www.cvcheck.biz) or an Australian Criminal Intelligence Commission Accredited Organisation (www.acic.gov.au for further information).

Important note: Checks that simply verify you are able to work with particular persons (e.g. children) without specifying your criminal history are **not** sufficient.

Business qualifications

At least one director must meet the business criteria. Refer to the *Business Criteria* sheet.

Financial information

Specified building work: This type of licence authorises trade work or similar. To meet the financial requirements, the company must either:

- Have a minimum of \$10,000 in tangible net assets. Where the company will be carrying on the building business as a trustee, this includes the net tangible assets of the trust.

or

- Provide a letter from a Chartered Accountant, Certified Practising Accountant or IPA Public Accountant certifying that the accountant has examined the financial position of the company; the company is solvent and has an ongoing (minimum 12 months) source of finance in place sufficient to meet its business needs.

If the company cannot meet either of these requirements, it can still qualify for a licence restricted to subcontracting to licensed builders.

Residential building work or any building work: This type of licence authorises the construction of major residential building work that requires Building Indemnity Insurance. To meet the financial requirements, the company must either:

- Provide a certificate of eligibility for Building Indemnity Insurance;

or

- Provide a letter from a Chartered Accountant, Certified Practising Accountant or NIA Public Accountant certifying that the company has at least \$100,000 in tangible net assets and is solvent. Where the company will be carrying on the building business as a trustee, this includes the net tangible assets of the trust.

Industrial, commercial and civil builders: This type of licence authorises the construction of major non-residential building work. To meet the financial requirements, the company must provide a declaration on the licence application form that it is solvent and has access to sufficient financial resources to carry on this type of business.

Company extract

You must provide a copy of the company's extract from the Australian Securities and Investments Commission. The extract must be no more than three months old at the time of lodging your application.

Nomination of a building work supervisor

Please note: failure to have an approved supervisor within 28 days of granting of the licence will result in suspension of your company licence. Refer to the *Approval of Nominated Supervisor* information sheet.

Fee schedule

Fees and charges effective 1 July 2017

No GST is applicable - our ABN is 15 088 976 178

Fees

	Application Fee
General building work (eg light commercial/industrial/residential/civil)	\$1150.00*
OR Specified building work (eg carpentry)	\$690.00*
Application for approval of a building work supervisor (if application lodged at same time)	\$120.00

*Fees comprised of \$201 application fee and first year annual fee

Annual fees

General building work	\$949
Specified building work	\$489

Other fees

Vary a licence/registration condition	\$156.00
Replacement licence certificate fee	\$26.50

Payment options

Credit cards accepted are Visa and MasterCard.

Annual renewal fees can be made online at www.cbs.sa.gov.au or by phone on 1300 668 531.

Cheques should be made payable to the Commissioner for Consumer Affairs.

Eftpos facilities are available at our Customer Service Centre in Adelaide.

Information regarding BPAY is provided on annual renewal notices.

Partial or instalment payment options are not available.

All fees & charges are subject to change without notice and are usually adjusted each financial year.

For more information

Email	Website	Phone	In person
occupational@sa.gov.au	www.cbs.sa.gov.au	Ph: 131 882	Customer Service Centre 91 Grenfell Street ADELAIDE SA 5000