



Australian Capital Territory

Construction Occupations (Licensing) Amendment Regulation 2016 (No 1)

Subordinate Law SL2016-36

The Australian Capital Territory Executive makes the following regulation under the *Construction Occupations (Licensing) Act 2004*.

Dated 21 December 2016.

MICK GENTLEMAN
Minister

GORDON RAMSEY
Minister



Australian Capital Territory

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made under the

[Construction Occupations \(Licensing\) Act 2004](#)

1 Name of regulation

This regulation is the *Construction Occupations (Licensing) Amendment Regulation 2016 (No 1)*.

2 Commencement

This regulation commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This regulation amends the *Construction Occupations (Licensing) Regulation 2004*.

4 Section 16

substitute

16 Eligibility to be owner-builder

- (1) An individual is eligible to be an owner-builder only if—
 - (a) the individual owns the land where the building work allowed under the owner-builders licence is proposed to be undertaken; and
 - (b) the building work has building approval under the *Building Act 2004*; and
 - (c) the individual has not been issued with an owner-builders licence in relation to other land (a *previous licence*) in the 5 years before applying for the owner-builders licence (the *current licence*).
- (2) Despite section (1) (c), an individual issued with a previous licence in the 5 years before applying for the current licence is eligible to be an owner-builder if the individual no longer holds the previous licence and—
 - (a) if—
 - (i) the work allowed under the previous licence related to affected residential premises or a class 10 building associated with those premises; and
 - (ii) the affected residential premises were acquired by the Territory from the individual under the buyback scheme for residential premises and were included in the affected residential premises register; or

(b) if—

- (i) the work allowed under the previous licence related to a building that is or was an eligible impacted property or a class 10 building associated with that property; and
- (ii) the eligible impacted property was acquired by the Territory from the individual under the eligible impacted property buyback program.

(3) In this section:

affected residential premises—see the *Civil Law (Sale of Residential Property) Act 2003*, section 9A (3).

affected residential premises register—see the *Dangerous Substances Act 2004*, section 47N (1).

buyback scheme, for affected residential premises—see the *Dangerous Substances Act 2004*, section 47N (6).

class, of building—see the *Building Act 2004*, dictionary.

Note A class 10 building or structure is a non-habitable building or structure (see building code).

eligible impacted property—see the *Civil Law (Sale of Residential Property) Act 2003*, section 9A (1).

eligible impacted property buyback program—see the *Civil Law (Sale of Residential Property) Act 2003*, section 9A (1).

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 22 December 2016.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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