

Glossary

The following is a list of terms and acronyms used in the consultation surveys

Term	Description
Authorised Professional Association (APA)	An APA is an authorised professional body which establishes and maintains a strata inspector panel for building work of a particular kind under the <i>Strata Schemes Management Act 2015</i> .
Building Code of Australia (BCA)	The BCA is comprised of Volumes One and Two of the <i>National Construction Code</i> .
Construction Certificate (CC)	A CC means a certificate to the effect that work completed in accordance with specified plans and specifications will comply with the requirements of the <i>Environmental Planning and Assessment Act 1979</i> and supporting Regulation.
Classification of Buildings	<p>Building classifications are labelled Class 1 through to Class 10. Some classifications also have sub-classifications, referred to by a letter after the number.</p> <p>A building may have parts that have different uses. In most cases, each of these parts are classified separately. A building (or part of a building) may also have more than one use and may be assigned more than one classification.</p> <p>Detailed information about each class of building can be found on the Australian Building Codes Board website www.abcb.gov.au/resource/understanding-ncc/understanding-ncc-building-classifications</p>
Class 2 building or building with a class 2 part	<p>Class 2 buildings are apartment buildings. They are typically multi-unit residential buildings where people live above and below each other. Class 2 buildings may also be single storey attached dwellings where there is a common space below. For example, two dwellings above a common basement or carpark.</p> <p>A building with a class 2 part is a building of multiple classifications that has a class 2 as well as another class, making it a “mixed class” (for example, a class 2 with a class 5 which are office buildings used for professional or commercial purposes or a class 6, which are typically shops, restaurants and cafés).</p>

<p>Class 3 building</p>	<p>Class 3 buildings are residential buildings other than Class 1 or Class 2 buildings, or a Class 4 part of a building. Class 3 buildings are a common place of long term or transient living for a number of unrelated people.</p> <p>Examples include a boarding house, guest house, hostel or backpackers (that are larger than the limits for a Class 1b building). Class 3 buildings could also include dormitory style accommodation, or workers’ quarters for shearers or fruit pickers.</p> <p>Class 3 buildings may also be “care-type” facilities (such as accommodation buildings for children, the elderly, or people with a disability) which are not Class 9 buildings.</p> <p>Class 3 includes residential care buildings and the residential parts of hotels, motels, schools, or jails.</p>
<p>Class 9c building</p>	<p>Class 9c buildings are residential care buildings that may contain residents who have various care level needs. They are a place of residence where 10% or more of persons who reside there need physical assistance in conducting their daily activities and to evacuate the building during an emergency.</p> <p>An aged care building, where residents are provided with personal care services, is a Class 9c building.</p>
<p>Close associate</p>	<p>Close associate means a person referred to in clause 6 of the proposed Building Bill 2022.</p>
<p>Commercial building work</p>	<p>Commercial building work is used to identify buildings and building work that are outside the current scope of the <i>Home Building Act 1989</i>. It broadly includes classes 3 to 9 buildings under the <i>National Construction Code</i>.</p>
<p>Complying development certificate</p>	<p>Complying development certificate means a complying development certificate issued by a certifier under the <i>Environmental Planning and Assessment Act 1979</i>, Part 4.</p>
<p>Continuing Professional Development (CPD)</p>	<p>CPD refers to ongoing education and career training that aims to help practitioners gain new skills and knowledge; remain up-to-date with technical, legislative and regulatory changes; and build upon existing knowledge and skills.</p>
<p>Demerit points scheme</p>	<p>Demerit points scheme means the scheme in Part 7 of the proposed Building Compliance and Enforcement Bill 2022. The purpose of the scheme is to—</p> <p>(a) deter licence holders from committing offences under building enforcement</p>

	<p>legislation, and</p> <p>(b) provide for sanctions against repeated contraventions of offences under building enforcement legislation, and</p> <p>(c) minimise the risk of further harm by licence holders committing offences under building enforcement legislation.</p>
Developer	<p>Under the proposed Building Compliance and Enforcement Bill 2022, a developer, in relation to building work, means any of the following persons, but does not include a person excluded from this definition by the regulations—</p> <p>(a) the person who contracted or arranged for, or facilitated or otherwise caused, whether directly or indirectly, the building work to be carried out,</p> <p>(b) if the building work is the erection or construction of a building or part of a building—the owner of the land on which the building work is carried out at the time the building work is carried out,</p> <p>(c) the principal contractor for the building work within the meaning of the <i>Building Act 2022</i>, Chapter 6,</p> <p>(d) in relation to building work for a strata scheme—the developer of the strata scheme under the <i>Strata Schemes Management Act 2015</i>,</p> <p>(e) another person prescribed by the regulations for the purposes of this definition.</p>
Development consent	<p>Development consent means a consent under Part 4 of the <i>Environmental Planning and Assessment Act 1979</i> to carry out development and includes, unless expressly excluded, a complying development certificate.</p>
Home	<p>A home is a building designed, constructed or adapted for use as a residence. This does not include the following—</p> <ul style="list-style-type: none"> • premises not intended to be used for permanent habitation, • a hostel or backpackers' accommodation, • a hospital or nursing home, • a correctional complex, including a correctional centre, • hotel or motel accommodation or serviced apartments, • a registered club or a residence within premises licensed under the <i>Liquor Act 2007</i>,

	<ul style="list-style-type: none"> • a residence associated with, or provided by, a hospital or educational establishment, • a building or premises excluded by the regulations. <p>In this definition a nursing home has the same meaning as in the <i>Public Health Act 2010</i>.</p>
<p>Home building work</p>	<p>Home building work is regulated work that is carried out in, on or for a home.</p>
<p>Intentional phoenix activity</p>	<p>A person is involved in intentional phoenix activity if the person is a director of a body corporate (the first body corporate) and is directly or indirectly involved in—</p> <ul style="list-style-type: none"> (a) liquidating or otherwise dealing with the first body corporate with the intention of avoiding the payment of debts of the first body corporate, including taxes, employee entitlements and amounts due to creditors, and (b) establishing the registration, control or management of another body corporate (the second body corporate) with the intention that the second body corporate will— <ul style="list-style-type: none"> (i) continue business activities similar to the business activities of the first body corporate and using assets of the first body corporate, and (ii) be under the control or management of persons who are, or are <i>close associates</i> of, persons who had control or management of the first body corporate before the liquidation or other dealing mentioned in paragraph (a). <p>A <i>close associate</i> has the same meaning as in the <i>Home Building Act 1989</i>. See definition above.</p>
<p>National Construction Code (NCC)</p>	<p>The NCC is published in three volumes. The <i>Building Code of Australia</i> is Volumes One and Two and the <i>Plumbing Code of Australia</i> is Volume Three.</p> <p>It is a set of technical design and construction provisions for buildings. As a performance-based code, it sets the minimum required level for the safety, health, amenity, accessibility and sustainability of certain buildings.</p>
<p>Notifiable building</p>	<p>A notifiable building means—</p>

	<p>(a) a class 2 building under the <i>National Construction Code</i>, and</p> <p>(b) a building for which the building work requires a building compliance declaration under the <i>Design and Building Practitioners Act 2020</i>.</p> <p>It includes a building containing a part that is classified as a class 2 component.</p>
Manufactured home	Refer to definition for <i>pre-fabricated home</i> .
Modular home	Refer to definition for <i>pre-fabricated home</i> .
Nominee supervisor	A <i>nominee supervisor</i> is an eligible individual nominated by a body corporate as a part of a licence application who is responsible for supervising the work carried out by the licence holder in compliance with their requirements.
Occupation certificate (OC)	An OC authorises the occupation and use of a new building, or part of building or a change of building use for an existing building.
Owner-builder work	<p><i>Owner-builder work</i> means home building work—</p> <p>(a) that is 1 or more of the following—</p> <ul style="list-style-type: none"> (i) the carrying out of exempt building work prescribed by the regulations, (ii) the engagement of a licence holder to carry out residential building work, (iii) the coordination of the supply and installation of a kit home or pre-fabricated buildings, and <p>(b) relating to the erection of a dwelling house or secondary dwelling, but only if—</p> <ul style="list-style-type: none"> (i) development consent is required to carry out the work, or (ii) the work may be carried out as complying development.
Owner-occupier	An <i>owner-occupier</i> is a person who owns the home in which they live or intend to live.

<p>Prefabricated home</p>	<p>A <i>prefabricated home</i> is a home that has been constructed at a place other than its final location, usually within a factory. Pre-fabricated homes can be referred to by other names such as <i>modular</i> or <i>manufactured</i> homes due to the nature of the construction type.</p>
<p>Regulated work</p>	<p><i>Regulated work</i> includes:</p> <ul style="list-style-type: none"> • building work, • fire safety work, • general building design work, • professional engineering work, • specialist work, • other work prescribed by the regulations. <p>Regulated work requires a licence under the Building Bill.</p>
<p>RIS</p>	<p>Regulatory Impact Statement.</p>
<p>Security of Payment Guide</p>	<p>Guidance material prepared by the Department of Customer Service to provide an easy-to-read document on key aspects of the Security of Payment legislation.</p> <p>https://www.fairtrading.nsw.gov.au/_data/assets/pdf_file/0011/975008/Security-of-Payment-Guide.pdf</p>
<p>Serious defect</p>	<p><i>Serious defect</i>, in relation to a building, means—</p> <ul style="list-style-type: none"> a) a defect in a building element that is attributable to a failure to comply with the governing requirements or the performance requirements of the National Construction Code as in force at the time the building work was carried out, the relevant standards or the relevant approved plans, or b) a defect in a building product or building element that <ul style="list-style-type: none"> i. is attributable to defective design, defective or faulty workmanship or defective materials, and ii. causes or is likely to cause— <ul style="list-style-type: none"> a) the inability to inhabit or use the building, for its intended purpose, or b) the destruction of the building or any part of the building, or

	<p>c) a threat of collapse of the building or any part of the building, or</p> <p>iii. a defect of a kind that is prescribed by the regulations as a serious defect, or</p> <p>iv. the use of a building product in the building, if—</p> <p>a) the use is in contravention of the Building Products (Safety) Act 2017, or</p> <p>b) the product or use does not comply with the requirements of the National Construction Code, or</p> <p>c) the product or use does not comply with other standards or requirements prescribed by the regulations for the purposes of this definition.</p>
Specialist work	<p>Whether or not done in connection with building work, specialist work means:</p> <ul style="list-style-type: none"> • electrical wiring work within the meaning of the <i>Gas and Electricity (Consumer Safety) Act 2017</i>, • gasfitting work within the meaning of the <i>Gas and Electricity (Consumer Safety) Act 2017</i>, • mechanical services and medical gas work, • medical gasfitting work within the meaning of the <i>Gas and Electricity (Consumer Safety) Act 2017</i>, • medical gas technician work within the meaning of the <i>Gas and Electricity (Consumer Safety) Act 2017</i>, • plumbing and drainage work, • refrigeration work or air-conditioning work prescribed by the regulations, • waterproofing work, • work prescribed by the regulations.
Specialist trade	<p>A specialist trade is a trade involving any specialist work and that requires a licence to perform the specialist work. Specialist trades usually pose a higher risk to personal and public safety and can therefore only be performed by licensed individuals.</p>
The regulator	<p>The regulator means NSW Fair Trading/the Office of the NSW Building Commissioner.</p>