

factsheet Licensing

Licensing requirements in the HMMS industry

Background Information

- Licensing in the residential building industry is a statutory requirement and is regulated by the NSW State Government.
- The Building Licensing Act 1971, requiring all Builders to be licensed, was introduced in 1972
- The Home Building Act, 1989, regulates the right to operate in the NSW building industry and the method of doing business. The Act's licensing requirements specifies who may carry out residential building work e.g. builders or specialist sub-trades such as plumbing, electrical etc.
- The Home Building Act, 1989 and the Home Building Regulation were introduced to protect the consumer from unqualified Tradespeople completing inferior building work.
- The Office of Fair Trading regulates the Home Building Act 1989 and the Home Building Regulation in NSW, and distributes all licenses to Builders and Tradespeople who complete work in the residential building industry.

Licensing and the HMMS Industry

- It is a minimum mandatory requirement by DADHC that all HMMS comply with licensing requirements as per the Guidelines set out by statutory legislation by the Office of Fair Trading
- HMMS operating without a residential building license are operating against the law
- When applying for a residential building license, HMMS need to apply to the Office of Fair Trading for a Company License
- The HMMS must nominate a Qualified Works Supervisor who is responsible for supervising all work under the Company License.
- Please note: HMMS auspiced under local council or Health are exempt from holding a Company License.
- In the event of the Qualified Works Supervisor changing / leaving the organisation, HMMS must notify the Office of Fair Trading. HMMS have 28 days to appoint an interim or new Qualified Works Supervisor.

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***For further advice consult your local
HMMS Builder or Technical Officer.***

NSW HMMS
state council



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Licensing requirements in the HMMS industry ~ *continued*

- Qualified Works Supervisors (QWS) must hold appropriate qualifications and be deemed suitable by the Office of Fair Trading to engage external contractors and specialist sub trades. It must be noted however that all Tradespeople/Contractors working under the QWS, and any unsatisfactory work, remain the responsibility of the Qualified Works Supervisor and the HMMS.
- Please note: licensed Tradespeople can only carry out works listed on their license for example: a plumber can only do plumbing work

Each HMMS holds a Company License with the Office of Fair Trading



Under the Company License, HMMS must have a Qualified Works Supervisor to supervise:
All Tradespeople and SubContractors for work valued over \$1,000
Specialist SubTrades such as Plumbers and Electricians



For all work over \$1,000 (full cost or commercial value ie. not client subsidy cost) the HMMS must enter into under a written contract with the client in accordance with Office of Fair Trading requirements

Please note: HMMS auspiced under local council or Health are exempt from holding a Company License. Refer to factsheet '*HMMS Exempt from Licensing*'.

Sources

NSW HACC Service Type Guidelines, Home Modification, Page 1, 1.3
<http://www.dadhc.nsw.gov.au/dadhc/Doing+business+with+us/hacc.htm>
Office of Fair Trading www.fairtrading.nsw.gov.au

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