

Building Services (Registration) Act 2011

## **Building Services (Registration) Amendment Regulations 2012**

Made by the Governor in Executive Council.

### **Part 1 — Preliminary**

**1. Citation**

These regulations are the *Building Services (Registration) Amendment Regulations 2012*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) regulation 3 and Part 2 — on the day after that day;
- (c) Part 3 — on the day the *Building Act 2011* Part 2 comes into operation.

**3. Regulations amended**

These regulations amend the *Building Services (Registration) Regulations 2011*.

## **Part 2 — Amendments relating to registration of building surveyors**

### **4. Regulation 3 amended**

In regulation 3 insert in alphabetical order:

*building surveying work level 1* has the meaning given in regulation 28A;

*building surveying work level 2* has the meaning given in regulation 28A;

*insolvent*, in relation to a body corporate, means an externally-administered body corporate as that term is defined in the *Corporations Act 2001* (Commonwealth);

### **5. Regulation 6 amended**

(1) After regulation 6(1)(a) insert:

- (ba) building surveying practitioner level 1;
- (bb) building surveying practitioner level 2;
- (bc) building surveying practitioner technician;

(2) After regulation 6(2)(c) insert:

- (da) building surveying contractor level 1 (individual);
- (db) building surveying contractor level 1 (partnership);
- (dc) building surveying contractor level 1 (company);
- (dd) building surveying contractor level 2 (individual);

- (de) building surveying contractor level 2 (partnership);
- (df) building surveying contractor level 2 (company);

**6. Regulation 8 amended**

In regulation 8 in the Table after item 1 insert:

2A.	Building surveying practitioner level 1 Building surveying practitioner level 2 Building surveying practitioner technician Building surveying contractor level 1 (individual) Building surveying contractor level 1 (partnership) Building surveying contractor level 1 (company) Building surveying contractor level 2 (individual)  Building surveying contractor level 2 (partnership) Building surveying	Building surveyors
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	contractor level 2 (company)	
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**7. Part 3A inserted**

After regulation 27 insert:

**Part 3A — Building surveyors**

**28A. Terms used**

In this Part —

***building surveying contractor*** means —

- (a) a building surveying contractor level 1 (individual); or
- (b) a building surveying contractor level 1 (partnership); or
- (c) a building surveying contractor level 1 (company); or
- (d) a building surveying contractor level 2 (individual); or
- (e) a building surveying contractor level 2 (partnership); or
- (f) a building surveying contractor level 2 (company);

***building surveying work*** has the meaning given in the *Building Services (Complaint Resolution and Administration) Regulations 2011* regulation 4A;

***building surveying work level 1*** means building surveying work in respect of any building or incidental structure;

***building surveying work level 2*** means building surveying work in respect of a building or incidental structure —

- (a) with a floor area up to 2 000 m<sup>2</sup>; and
- (b) not more than 3 storeys in height.

**28B. Prescribed titles: building surveying practitioners and building surveying contractors**

- (1) The titles listed under each Part heading in the Table are prescribed for the purposes of section 4(1).

**Table**

<b>Part 1 — General</b>
Registered Building Surveyor
<b>Part 2 — Building surveying practitioners level 1</b>
Registered Building Surveying Practitioner Registered Building Surveying Practitioner Level 1
<b>Part 3 — Building surveying practitioners level 2</b>
Registered Building Surveying Practitioner Level 2
<b>Part 4 — Building surveying practitioners technicians</b>
Registered Building Surveying Practitioner Technician
<b>Part 5 — Building surveying contractors level 1 and level 2 (individual)</b>
Registered Building Surveying Contractor
<b>Part 6 — Building surveying contractors level 1 and level 2 (partnership)</b>
Registered Building Surveying Partnership Registered Building Surveying Contractor: Partnership Registered Building Surveying Contractor

(Partnership)
<b>Part 7 — Building surveying contractors level 1 and level 2 (company)</b>
Registered Building Surveying Company Registered Building Surveying Contractor: Company Registered Building Surveying Contractor (Company)

- (2) A building surveying practitioner level 1 is entitled to use a title prescribed in Parts 1 and 2 of the Table.
- (3) A building surveying practitioner level 2 is entitled to use a title prescribed in Parts 1 and 3 of the Table.
- (4) A building surveying practitioner technician is entitled to use a title prescribed in Parts 1 and 4 of the Table.
- (5) A building surveying contractor level 1 (individual) or building surveying contractor level 2 (individual) is entitled to use a title prescribed in Parts 1 and 5 of the Table.
- (6) A building surveying contractor level 1 (partnership) or building surveying contractor level 2 (partnership) is entitled to use a title prescribed in Part 6 of the Table.
- (7) A building surveying contractor level 1 (company) or building surveying contractor level 2 (company) is entitled to use a title prescribed in Part 7 of the Table.

**28D. Qualifications and experience: building surveying practitioners**

- (1) For the purposes of section 17(1)(b) —
  - (a) a qualification listed in set 1 in the Table, together with the experience listed in set 1, are prescribed as qualifications and experience for a building surveying practitioner level 1; and
  - (b) a qualification listed in set 2, set 3 or set 4 in the Table, together with the experience (if any)

listed in the same set, are prescribed as qualifications and experience for —

- (i) the renewal of the registration of a building surveying practitioner level 1; and
- (ii) the registration of a building surveying practitioner level 1 until 30 June 2013.

**Table**

	<b>Qualifications</b>	<b>Experience</b>
Set 1	(a) Bachelor of Building Surveying and Certification granted by the Central Queensland University; or (b) an equivalent qualification as determined by the Board	experience in building surveying work for periods totalling at least the equivalent of 3 years full-time
Set 2	Building Surveyors Certificate of Qualification issued under the <i>Local Government (Qualifications of Municipal Officers) Regulations 1984</i> regulation 12(1) or (2)	periods totalling at least the equivalent of 5 years full-time unrestricted experience as a building surveyor for a local government in Western Australia in the period since 1 July 1998
Set 3	CPC60108 Advanced Diploma in Building Surveying as described	periods totalling at least the equivalent of 5 years full-time

	<b>Qualifications</b>	<b>Experience</b>
	in CPC08: Construction, Plumbing and Services Training Package published by Training.gov.au	unrestricted experience as a building surveyor for a local government in Western Australia in the period since 1 July 1998
Set 4	Building Surveyor Level 1 certificate granted under the <i>Local Government (Building Surveyors) Regulations 2008</i> regulation 21	

- (2) For the purposes of section 17(1)(b) —
- (a) a qualification listed in set 1 in the Table, together with the experience listed in set 1, are prescribed as qualifications and experience for a building surveying practitioner level 2; and
  - (b) a qualification (if any) listed in set 2, set 3 or set 4 in the Table, together with the experience (if any) listed in the same set, are prescribed as qualifications and experience for —
    - (i) the renewal of the registration of a building surveying practitioner level 2; and
    - (ii) the registration of a building surveying practitioner level 2 until 30 June 2013.

**Table**

	<b>Qualifications</b>	<b>Experience</b>
Set 1	CPC60108 Advanced Diploma in Building Surveying as described	experience in building surveying work for periods totalling at



	<b>Qualifications</b>	<b>Experience</b>
	in CPC08: Construction, Plumbing and Services Training Package published by Training.gov.au	least the equivalent of 2 years full-time
Set 2	CPC50108 Diploma in Building Surveying as described in CPC08: Construction, Plumbing and Services Training Package published by Training.gov.au	periods totalling at least the equivalent of 4 years full-time unrestricted experience as a building surveyor for a local government in Western Australia in the period since 1 July 1998
Set 3		periods totalling at least the equivalent of 6 years full-time unrestricted experience as a building surveyor for a local government in Western Australia in the period since 1 July 1998
Set 4	Building Surveyor Level 2 certificate granted under the <i>Local Government (Building Surveyors) Regulations 2008</i> regulation 21	

- (3) For the purposes of section 17(1)(b) a qualification listed in set 1 in the Table or the experience listed in

set 2, are prescribed as qualifications and experience for —

- (a) the renewal of the registration of a building surveying practitioner technician; and
- (b) the registration of a building surveying practitioner technician until 30 June 2013.

**Table**

	<b>Qualifications</b>	<b>Experience</b>
Set 1	CPC50108 Diploma in Building Surveying as described in CPC08: Construction, Plumbing and Services Training Package published by Training.gov.au	
Set 2		12 months full-time experience as a building surveyor for a local government in Western Australia in the period between 1 July 2007 and 30 June 2008

**28E. Financial requirements: building surveying contractors**

- (1) For the purposes of section 18(1)(b) the following financial requirements are prescribed for registration as a building surveying contractor level 1 (individual) or a building surveying contractor level 2 (individual) —
  - (a) the applicant must not be an insolvent;
  - (b) if the applicant has previously been an insolvent, the applicant must have the capacity to meet debts as and when they fall due.

- (2) For the purposes of section 18(1)(b) the following financial requirements are prescribed for registration as a building surveying contractor level 1 (partnership) or a building surveying contractor level 2 (partnership) —
  - (a) each partner of the partnership must not be an insolvent;
  - (b) if a partner of the partnership has previously been an insolvent, the partnership must have the capacity to meet debts as and when they fall due.
- (3) For the purposes of section 18(1)(b) the following financial requirements are prescribed for registration as a building surveying contractor level 1 (company) or a building surveying contractor level 2 (company) —
  - (a) the applicant and each officer of the applicant must not be an insolvent;
  - (b) if the applicant or an officer has previously been an insolvent, the applicant must have the capacity to meet debts as and when they fall due.

**28F. Insurance requirements: building surveying contractors**

For the purposes of section 18(1)(c) the insurance requirements for registration as a building surveying contractor are that the applicant has professional indemnity insurance with a minimum level of indemnity of —

- (a) \$1 000 000 for any one claim; and
- (b) \$2 000 000 in aggregate during any one period of insurance.

**28G. Prescribed requirements: building surveying contractors**

- (1) For the purposes of section 18(1)(g) an applicant for registration as a building surveying contractor level 1

(individual) or a building surveying contractor level 2 (individual) must be an individual.

- (2) For the purposes of section 18(1)(g) an applicant for registration as a building surveying contractor level 1 (partnership) or a building surveying contractor level 2 (partnership) must be a partnership.
- (3) For the purposes of section 18(1)(g) an applicant for registration as a building surveying contractor level 1 (company) or a building surveying contractor level 2 (company) must be a corporation or an unincorporated body.

**28H. Supervisor for building surveying contractors: eligible person**

- (1) For the purposes of the definition of *eligible person* in section 21(1), building surveying practitioner level 1 is prescribed as the class of building service practitioner for the following classes of building service contractor —
  - (a) building surveying contractor level 1 (individual);
  - (b) building surveying contractor level 1 (partnership);
  - (c) building surveying contractor level 1 (company).
- (2) For the purposes of the definition of *eligible person* in section 21(1), building surveying practitioner level 1 and building surveying practitioner level 2 are prescribed as classes of building service practitioner for the following classes of building service contractor —
  - (a) building surveying contractor level 2 (individual);
  - (b) building surveying contractor level 2 (partnership);

- (c) building surveying contractor level 2 (company).

**8. Part 4 Division 3 inserted**

At the end of Part 4 insert:

**Division 3 — *Local Government (Building Surveyors) Regulations 2008***

**47. Terms used**

In this Division —

**2008 regulations** means the *Local Government (Building Surveyors) Regulations 2008*;

**repeal day** means the day on which section 112 comes into operation.

**48. Continuation of registration**

(1) For the purposes of section 139 —

- (a) a person who holds any of the following qualifications is to be taken to be registered as a building surveying practitioner level 1 —
  - (i) a Building Surveyor Level 1 certificate granted under regulation 21 of the 2008 regulations;
  - (ii) a Building Surveyors Certificate of Qualification issued by the Municipal Building Surveyors Qualifications Committee under the *Local Government (Qualifications of Municipal Officers) Regulations 1984* regulation 12(1) or (2);

and

- (b) a person who holds a Building Surveyor Level 2 certificate granted under regulation 21

of the 2008 regulations is to be taken to be registered as a building surveying practitioner level 2; and

- (c) a person who holds a Building Surveyor Technician certificate granted under regulation 21 of the 2008 regulations is to be taken to be registered as a building surveying practitioner technician.

- (2) The Building Commissioner may extend the period for which a person is to be taken under section 139 to be registered as a building surveying practitioner for a period of up to 5 months.

**49. Nominated supervisors for contractors before repeal day**

Before repeal day —

- (a) a person who holds any of the following qualifications is to be taken to be registered as a building surveying practitioner level 1 for the purposes of regulation 28H(1) —
  - (i) a Building Surveyor Level 1 certificate granted under regulation 21 of the 2008 regulations;
  - (ii) a Building Surveyors Certificate of Qualification issued by the Municipal Building Surveyors Qualifications Committee under the *Local Government (Qualifications of Municipal Officers) Regulations 1984* regulation 12(1) or (2);

and

- (b) a person who holds a Building Surveyor Level 2 certificate granted under regulation 21 of the 2008 regulations is to be taken to be registered as a building surveying practitioner

level 2 for the purposes of regulation 28H(1) and (2).

**50. Cancellation of certificate**

- (1) The Board may cancel a certificate of qualification issued under the 2008 regulations to a person who obtained the certificate by fraud or misrepresentation.
- (2) Section 64(2) applies to a decision of the Board to cancel a certificate of qualification under this regulation as if the decision was a reviewable decision as defined in section 64(1).
- (3) If the Board decides to cancel a person's certificate of qualification the Board must give the person written notice of the decision, the reasons for the decision and the person's right of review under section 64(2).

**51. Membership of Board — experience as a building surveyor**

For the purposes of section 67(2)(c) a person referred to in regulation 49(a) or (b) is to be taken to be a person who has experience as a registered building service provider in a class listed in item 2A of the Table to regulation 8.

**9. Schedule 1 amended**

After Schedule 1 Division 3 insert:

**Division 4A — Building surveyors**

Item	Description of fee	Fee (\$)
1.	Application for registration as building surveying practitioner level 1 or level 2	100
2.	Application for registration as building surveying practitioner technician	50

<b>Item</b>	<b>Description of fee</b>	<b>Fee (\$)</b>
3.	Application for registration as building surveying contractor level 1 or level 2 (individual)	65
4.	Application for registration as building surveying contractor level 1 or level 2 (partnership)	65
5.	Application for registration as building surveying contractor level 1 or level 2 (company)	65
6.	Registration fee for building surveying practitioner technician (1 year)	150
7.	Registration fee for building surveying practitioner level 1 or level 2 (1 year)	295
8.	Registration fee for building surveying practitioner level 1 or level 2 (2 years)	575
9.	Registration fee for building surveying practitioner level 1 or level 2 (3 years)	830
10.	Registration fee for building surveying contractor level 1 or level 2 (individual) (1 year)	200
11.	Registration fee for building surveying contractor level 1 or level 2 (individual) (2 years)	390
12.	Registration fee for building surveying contractor level 1 or level 2 (individual) (3 years)	580
13.	Registration fee for building surveying contractor level 1 or level 2 (partnership) (1 year)	500



<b>Item</b>	<b>Description of fee</b>	<b>Fee (\$)</b>
14.	Registration fee for building surveying contractor level 1 or level 2 (partnership) (2 years)	970
15.	Registration fee for building surveying contractor level 1 or level 2 (partnership) (3 years)	1 450
16.	Registration fee for building surveying contractor level 1 or level 2 (company) (1 year)	650
17.	Registration fee for building surveying contractor level 1 or level 2 (company) (2 years)	1 260
18.	Registration fee for building surveying contractor level 1 or level 2 (company) (3 years)	1 890
19.	Late fee for application for renewal made after the renewal period	50

## **Part 3 — Amendments related to the *Building Act 2011***

### **10. Regulation 3 amended**

In regulation 3 insert in alphabetical order:

*certificate of building compliance* means a certificate that complies with the *Building Act 2011* section 57;

*certificate of construction compliance* means a certificate that complies with the *Building Act 2011* section 56;

*certificate of design compliance* means a certificate that complies with the *Building Act 2011* section 19;

*compliance certificate* means —

- (a) a certificate of building compliance; or
- (b) a certificate of construction compliance; or
- (c) a certificate of design compliance;

### **11. Regulation 4 amended**

After regulation 4(a) insert:

- (ba) building surveying work level 1 as the person issuing a compliance certificate;
- (bb) building surveying work level 2 as the person issuing a compliance certificate;

### **12. Regulation 28C inserted**

After regulation 28B insert:

#### **28C. Building surveying contractors: building services prescribed**

- (1) For the purposes of section 11(a), building surveying work level 1 as the person issuing a compliance

certificate is prescribed as a building service that the following classes of building service contractors are entitled to carry out —

- (a) building surveying contractor level 1 (individual);
- (b) building surveying contractor level 1 (partnership);
- (c) building surveying contractor level 1 (company).

- (2) For the purposes of section 11(a), building surveying work level 2 as the person issuing a compliance certificate is prescribed as a building service that the following classes of building service contractors are entitled to carry out —

- (a) building surveying contractor level 2 (individual);
- (b) building surveying contractor level 2 (partnership);
- (c) building surveying contractor level 2 (company).

**13. Regulation 28I to 28K inserted**

At the end of Part 3A insert:

**28I. Condition on registration: building surveying contractor**

The registration of a building surveying contractor is subject to the condition that the work of any building surveying practitioner technician employed or engaged by the contractor must be supervised by a building surveying practitioner level 1 or a building surveying practitioner level 2.

**28J. Display of certificate of registration**

- (1) Subject to subregulation (2), a building surveying contractor who carries out building surveying work as the person issuing a compliance certificate must ensure that there is displayed in a prominent location at the premises where the contractor principally carries on business the following —
  - (a) the contractor's certificate of registration;
  - (b) the certificate of registration as a practitioner of a nominated supervisor for the contractor.

Penalty: a fine of \$1 000.

- (2) A building surveying contractor who carries on business at a private residence is not required to display the certificates of registration referred to in subregulation (1) if no part of the residence is used for the purpose of meeting with clients or prospective clients.

**28K. Display of signs**

- (1) Subject to subregulation (2), a building surveying contractor who carries out building surveying work as the person issuing a compliance certificate must ensure that there is displayed at the premises where the

contractor principally carries on business a sign that complies with the following requirements —

- (a) the sign must be located in a prominent position at the premises and be able to be read by a person entering the premises;
- (b) the sign must contain the following details —
  - (i) the registered name of the contractor;
  - (ii) the trading name of the contractor if the trading name is different to the registered name;
  - (iii) the class of registration of the contractor;
  - (iv) the contractor's registration number;
  - (v) the name and registration number of at least one nominated supervisor for the contractor.

Penalty: a fine of \$1 000.

- (2) A building surveying contractor who carries on business at a private residence is not required to display the sign referred to in subregulation (1) if no part of the residence is used for the purpose of meeting with clients or prospective clients.

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.