

CM301\*

Building Services (Registration) Act 2011

## **Building Services (Registration) Amendment Regulations 2011**

Made by the Governor in Executive Council.

### **1. Citation**

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

### **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) the rest of the regulations — on the day after that day.

### **3. Regulations amended**

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

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

In regulation 11:

- (a) after paragraph (a) insert:
  - (ba) *Architects Act 2004* (Australian Capital Territory);
  - (bb) *Architects Act 2003* (New South Wales);
  - (bc) *Architects Act* (Northern Territory);
  - (bd) *Architects Act 2002* (Queensland);
  - (be) *Architects Act 1991* (Victoria);
  - (bf) *Architectural Practice Act 2009* (South Australia);

- (b) after paragraph (e) insert:
- (fa) *Building Professionals Act 2005* (New South Wales);
- (c) after paragraph (h) insert:
- (ia) *Development Act 1993* (South Australia);
- (d) after paragraph (n) insert:
- (oa) *Professional Engineers Act 2002* (Queensland);

**5. Regulation 16 amended**

- (1) In regulation 16:
- (a) delete “For” and insert:
- (1) For
- (b) delete the Table and insert:

**Table**

	<b>Qualifications</b>	<b>Experience</b>
Set 1	<p>(a) CPC50210 Diploma of Building and Construction (Building) as described in the CPC08: Construction, Plumbing and Services Training Package published by Training.gov.au including the following units —</p> <p>(i) CPCCBC4005A — Produce labour and material schedules for ordering;</p> <p>(ii) CPCCBC4018A — Apply site surveys and set-out procedures to building and construction projects;</p>	<p>carrying out or supervising building work for periods totalling at least the equivalent of 7 years full-time</p>

	<b>Qualifications</b>	<b>Experience</b>
	<p>(iii) CPCCB5005A — Select and manage building and construction contractors;</p> <p>(iv) CPCCB5007A — Administer the legal obligations of a building construction contract;</p> <p>(v) CPCSUS5001A — Develop workplace policies and procedures for sustainability;</p> <p>(vi) CPCCB4014A — Prepare simple building sketches and drawings;</p> <p>(vii) CPCCOHS1001A — Work safety in the construction industry;</p> <p>or</p> <p>(b) an equivalent qualification as determined by the Board</p>	
Set 2	<p>qualifications acceptable for —</p> <p>(a) membership as Member (Level 1) or Member (Level 2) of the Royal Australian Institute of Architects; or</p> <p>(b) registration under the <i>Architects Act 2004</i>; or</p> <p>(c) membership as Professional Engineer (MIEAust or FIEAust) of the Institution of Engineers, Australia; or</p>	<p>supervising building construction for periods totalling at least the equivalent of 5 years full-time</p>

	<b>Qualifications</b>	<b>Experience</b>
	(d) membership as Fellow or Member of the Australasian Institute of Mining and Metallurgy,  evidenced by such membership or registration	
Set 3	qualifications acceptable for membership as Fellow or Member of the Australian Institute of Building evidenced by such membership	carrying out, supervising or managing building construction for periods totalling at least the equivalent of 5 years full-time
Set 4		experience in supervising or managing building construction —  (a) for periods totalling at least the equivalent of 5 years full-time; and  (b) sufficient to gain knowledge and skills equivalent to those possessed by a person who has successfully completed a qualification referred to in set 1
Set 5		experience in carrying out building work, other than in the area set out in Schedule 3 or the area of the State within which the <i>Builders' Registration Act 1939</i> applied

	<b>Qualifications</b>	<b>Experience</b>
		before it was repealed — (a) for periods totalling at least the equivalent of 7 years full-time; and (b) sufficient to gain knowledge and skills equivalent to those possessed by a person who has successfully completed a qualification referred to in set 1

(2) At the end of regulation 16 insert:

(2) For the purposes of section 17(1)(b) the qualifications and experience for the first renewal of the registration of a building practitioner who is taken to be registered under section 114 are the qualifications (if any) and the experience that entitled a person to be registered under the *Builders' Registration Act 1939* as evidenced by such registration.

**6. Regulation 17 amended**

In regulation 17 delete the passage that begins with “work,” and ends with “matters,” and insert:

work

**7. Regulation 21 amended**

In regulation 21(b) delete “letters;” and insert:

letters and numerals;

**8. Regulation 24A inserted**

After regulation 23 insert:

**24A. Prescribed interests in land**

For the purposes of the definition of *owner* in section 39(1) the following interests in land are prescribed —

- (a) a leasehold interest in land if the terms of the lease allow the lessee to undertake building work without the consent of each person whose name is registered as a proprietor of the land;
- (b) an interest as purchaser under a contract to purchase an estate in fee simple in the land.

**9. Regulation 25 amended**

- (1) In regulation 25(a) delete “house or Class 10 building —” and insert:

house —

- (2) In regulation 25(b) after “relates to” insert:

a Class 10 building or

**10. Regulation 27 amended**

In regulation 27(2)(b) delete “letters;” and insert:

letters and numerals;

**11. Regulation 31 amended**

- (1) In regulation 31:
  - (a) delete “For” and insert:

(1) For

(b) delete the Table and insert:

**Table**

	<b>Qualifications</b>	<b>Experience</b>
Set 1	<p>(a) CPC30611 Certificate III in Painting and Decorating as described in the CPC08: Construction, Plumbing and Services Training Package published by Training.gov.au including the units in small business management and estimating and specification that are provided as part of the qualification referred to paragraph (a) of set 3; or</p> <p>(b) an equivalent qualification as determined by the Board</p>	<p>(a) experience in carrying out painting work gained in the course of the completion of an apprenticeship in painting; or</p> <p>(b) experience in carrying out painting work for periods totalling at least the equivalent of 4 years full-time covering a significant range of painting techniques</p>
Set 2	<p>(a) CPC30611 Certificate III in Painting and Decorating as described in the CPC08: Construction, Plumbing and Services Training Package published by Training.gov.au; or</p> <p>(b) an equivalent qualification as determined by the Board</p>	<p>(a) experience in carrying out painting work for periods totalling at least the equivalent of 4 years full-time covering a significant range of painting techniques; and</p> <p>(b) experience in small business management and estimating and specification sufficient to gain knowledge and skills equivalent to those possessed by</p>

	<b>Qualifications</b>	<b>Experience</b>
		a person who has successfully completed the units in those subjects provided as part of the qualification referred to in paragraph (a) of set 3
Set 3	<p>(a) 52202 Course in Painters' Registration being an accredited course described in the register published by Training.gov.au;</p> <p>or</p> <p>(b) an equivalent qualification as determined by the Board</p>	Experience in carrying out painting work for periods totalling at least the equivalent of 5 years full-time covering a significant range of painting techniques
Set 4		<p>experience in carrying out painting work —</p> <p>(a) covering a significant range of painting techniques for periods totalling at least the equivalent of 5 years full-time; and</p> <p>(b) sufficient to gain knowledge and skills equivalent to those possessed by a person who has successfully completed a qualification referred to in set 3</p>

(2) At the end of regulation 31 insert:

(2) For the purposes of section 17(1)(b) the qualifications and experience for the first renewal of the registration



of a painting practitioner who is taken to be registered under section 127 are the qualifications (if any) and the experience that entitled a person to be registered under the *Painters' Registration Act 1961* as evidenced by such registration.

**12. Regulation 36 amended**

In regulation 36(b) delete “letters;” and insert:

letters and numerals;

**13. Schedule 1 amended**

- (1) In Schedule 1 Division 1 items 3, 4, 5 and 6 after “certified” insert:

or uncertified

- (2) Delete Schedule 1 Division 2 and insert:

**Division 2 — Builders**

<b>Item</b>	<b>Description of fee</b>	<b>Fee (\$)</b>
1.	Application for registration as building practitioner	185
2.	Application for registration as building contractor (individual)	120
3.	Application for registration as building contractor (partnership)	240
4.	Application for registration as building contractor (company)	305
5.	Registration fee for building practitioner (1 year)	190
6.	Registration fee for building practitioner (2 years)	370
7.	Registration fee for building practitioner (3 years)	535
8.	Registration fee for building contractor (individual) (1 year)	125
9.	Registration fee for building contractor (individual) (2 years)	245

<b>Item</b>	<b>Description of fee</b>	<b>Fee (\$)</b>
10.	Registration fee for building contractor (individual) (3 years)	350
11.	Registration fee for building contractor (partnership) (1 year)	425
12.	Registration fee for building contractor (partnership) (2 years)	825
13.	Registration fee for building contractor (partnership) (3 years)	1 200
14.	Registration fee for building contractor (company) (1 year)	970
15.	Registration fee for building contractor (company) (2 years)	1 880
16.	Registration fee for building contractor (company) (3 years)	2 730
17.	Late fee for application for renewal made after the renewal period	50
18.	Fee for sitting an examination — metropolitan area	120
19.	Fee for marking an examination sat outside metropolitan area	45

(3) Delete Schedule 1 Division 4 and insert:

**Division 4 — Painters**

<b>Item</b>	<b>Description of fee</b>	<b>Fee (\$)</b>
1.	Application for registration as painting practitioner	75
2.	Application for registration as painting contractor (individual)	50
3.	Application for registration as painting contractor (partnership)	95
4.	Application for registration as painting contractor (company)	125
5.	Registration fee for painting practitioner (1 year)	140

<b>Item</b>	<b>Description of fee</b>	<b>Fee (\$)</b>
6.	Registration fee for painting practitioner (2 years)	270
7.	Registration fee for painting practitioner (3 years)	395
8.	Registration fee for painting contractor (individual) (1 year)	95
9.	Registration fee for painting contractor (individual) (2 years)	185
10.	Registration fee for painting contractor (individual) (3 years)	265
11.	Registration fee for painting contractor (partnership) (1 year)	145
12.	Registration fee for painting contractor (partnership) (2 years)	280
13.	Registration fee for painting contractor (partnership) (3 years)	410
14.	Registration fee for painting contractor (company) (1 year)	355
15.	Registration fee for painting contractor (company) (2 years)	690
16.	Registration fee for painting contractor (company) (3 years)	1 000
17.	Late fee for application for renewal made after the renewal period	25
18.	Fee for sitting an examination — metropolitan area	65
19.	Fee for marking an examination sat outside metropolitan area	45

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.

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