

Western Australia

Building Services (Registration) Act 2011

**Building Services (Registration)  
Regulations 2011**

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As at 19 Dec 2012

Version 00-g0-02

Extract from [www.slp.wa.gov.au](http://www.slp.wa.gov.au), see that website for further information



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

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

### **Part 1 — General provisions**

**1. Citation**

These regulations are the *Building Services (Registration) 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 on which Part 3 of the Act comes into operation.

**3. Terms used**

In these regulations —

*builder work* has the meaning given in regulation 13;

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

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

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

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**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;

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

**painter work** has the meaning given in regulation 28;

**section** means section of the Act.

*[Regulation 3 amended in Gazette 12 Mar 2012 p. 990 and p. 1008.]*

**4. Prescribed building services**

For the purposes of the definition of **prescribed building service** in section 3 the following building services are prescribed —

- (a) builder work as the person named as the builder on a building permit;
- (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;
- (b) painter work.

*[Regulation 4 amended in Gazette 12 Mar 2012 p. 1008.]*

**5. Persons prescribed for purposes of section 7**

A person entitled to carry out builder work as the person named as the builder on a building permit is prescribed for the purposes of section 7 in respect of painter work if —



- (a) the person carries out, or undertakes to carry out, the painter work as part of a contract to carry out builder work; and
- (b) the person engages the services of a building service contractor entitled to carry out painter work to carry out the painter work.

**6. Classes of building service practitioner and building service contractor**

- (1) For the purposes of section 9(1) the following classes of building service practitioner are prescribed —
  - (a) building practitioner;
  - (ba) building surveying practitioner level 1;
  - (bb) building surveying practitioner level 2;
  - (bc) building surveying practitioner technician;
  - (b) painting practitioner.
- (2) For the purposes of section 9(2) the following classes of building service contractor are prescribed —
  - (a) building contractor (individual);
  - (b) building contractor (partnership);
  - (c) building contractor (company);
  - (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);
  - (d) painting contractor (individual);
  - (e) painting contractor (partnership);
  - (f) painting contractor (company).

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*[Regulation 6 amended in Gazette 12 Mar 2012 p. 990-1.]*

**7. Renewal period**

For the purposes of section 15(1) the period commencing 6 weeks before the registration of a person is due to expire and ending when the person's registration expires is the renewal period for the application for the renewal of the person's registration.

**8. Membership of Board: occupation groups**

For the purposes of the definition of *occupation group* in section 67(1) the classes of registered building service providers listed in an item in the Table comprise the occupation group referred to for that item.

**Table**

| <b>Item</b> | <b>Classes of building service providers</b>                                                                                     | <b>Occupation group</b> |
|-------------|----------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| 1.          | Building practitioner<br>Building contractor (individual)<br>Building contractor (partnership)<br>Building contractor (company)  | Builders                |
| 2A.         | Building surveying practitioner level 1<br>Building surveying practitioner level 2<br>Building surveying practitioner technician | Building surveyors      |

| Item | Classes of building service providers                                                                                                                                                                                                                                                                                        | Occupation group |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
|      | Building surveying contractor level 1 (individual)<br>Building surveying contractor level 1 (partnership)<br>Building surveying contractor level 1 (company)<br>Building surveying contractor level 2 (individual)<br>Building surveying contractor level 2 (partnership)<br>Building surveying contractor level 2 (company) |                  |
| 2.   | Painting practitioner<br>Painting contractor (individual)<br>Painting contractor (partnership)<br>Painting contractor (company)                                                                                                                                                                                              | Painters         |

*[Regulation 8 amended in Gazette 12 Mar 2012 p. 991-2.]*

**9. Fees**

The fees set out in Schedule 1 are payable in respect of the matters referred to in that Schedule.

**10. Refund of fees**

- (1) The Building Commissioner may, on the application of a person who has paid a fee under these regulations, refund part or all of the fee if —
  - (a) the fee is a registration fee paid in respect of a period of 2 years or more during which the person's registration has been suspended or cancelled; or
  - (b) the Commissioner considers that the circumstances warrant the refund of the fee.
- (2) An application for the refund of fees must be in a form approved by the Building Commissioner.

**11. Notification of disciplinary action: prescribed Acts**

For the purposes of section 36(1) the following Acts are prescribed —

- (a) *Architects Act 2004*;
- (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) *Building Act 1993* (Victoria);
- (c) *Building Act* (Northern Territory);
- (d) *Building Act 2000* (Tasmania);
- (e) *Building Act 1993* (Victoria);
- (fa) *Building Professionals Act 2005* (New South Wales);

- (f) *Building Work Contractors Act 1995* (South Australia);
- (g) *Construction Occupations (Licensing) Act 2004*  
(Australian Capital Territory);
- (h) *Credit (Administration) Act 1984*;
- (ia) *Development Act 1993* (South Australia);
- (i) *Electricity Act 1945*;
- (j) *Finance Brokers Control Act 1975*;
- (k) *Gas Standards Act 1972*;
- (l) *Home Building Act 1989* (New South Wales);
- (m) *Land Valuers Licensing Act 1978*;
- (n) *Licensed Surveyors Act 1909*;
- (oa) *Professional Engineers Act 2002* (Queensland);
- (o) *Queensland Building Services Authority Act 1991*  
(Queensland);
- (p) *Real Estate and Business Agents Act 1978*;
- (q) *Settlement Agents Act 1980*;
- (r) *Water Services Licensing Act 1995*.

[Regulation 11 amended in Gazette 31 Jan 2012 p. 591-2.]

## **Part 2 — Builders**

### **Division 1 — Preliminary**

#### **12. Terms used**

In this Part —

**building work** has the meaning given in the *Building Act 2011* section 3;

**farm building** means any building of a permanent nature, other than a building used or intended to be used for residential purposes, that is —

- (a) constructed, or to be constructed, on land used primarily for agricultural purposes; and
- (b) itself used or intended to be used for agricultural purposes.

### **Division 2 — Building service providers**

#### **13. Terms used**

(1) In this Division —

**builder work** means building work —

- (a) for which a building permit is required; and
- (b) with a value of \$20 000 or more based on the value of the work estimated under Schedule 2; and
- (c) carried out in an area of the State set out in Schedule 3, but does not include the following types of building work —
  - (d) construction of a farm building;
  - (e) production of a prefabricated or transportable building in a manufacturing yard;
  - (f) formation of a parking area;
  - (g) formation of outdoor sporting surfaces including associated fencing and lighting;

- (h) construction of walkways, viewing and gathering platforms that do not form part of another building;
- (i) construction of a water tank that is not incorporated into the structure of another building;
- (j) construction of an incidental structure as defined in the *Building Act 2011* section 3;
- (k) installation of fire sprinklers, free standing partitioning, safety systems, timber decking or glazing;
- (l) cabinet making and installation;
- (m) joinery (2<sup>nd</sup> fixing) work;

**building contractor** means —

- (a) a building contractor (individual); or
  - (b) a building contractor (partnership); or
  - (c) a building contractor (company).
- (2) If a person is named as the builder on 2 or more building permits for building work in connection with a single building the value of the work to be carried out under each of the building permits is to be added together for the purposes of calculating the value of the building work.

**14. Prescribed titles: building practitioners and building contractors**

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

**Table**

| <b>Part 1 — Building practitioners</b>    |
|-------------------------------------------|
| Registered Builder: Practitioner          |
| Registered Building Practitioner          |
| Registered Building Services Practitioner |

|                                                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Part 2 — Building contractor (individual)</b>                                                                                                                                        |
| Registered Builder<br>Registered Builder: Contractor<br>Registered Building Contractor<br>Registered Building Services Contractor                                                       |
| <b>Part 3 — Building contractor (partnership)</b>                                                                                                                                       |
| Registered Building Partnership<br>Registered Building Contractor: Partnership<br>Registered Building Contractor (Partnership)<br>Registered Building Services Contractor (Partnership) |
| <b>Part 4 — Building contractor (company)</b>                                                                                                                                           |
| Registered Building Company<br>Registered Building Contractor: Company<br>Registered Building Contractor (Company)<br>Registered Building Services Contractor (Company)                 |

- (2) A building practitioner is entitled to use a title prescribed in Part 1 of the Table.
- (3) A building contractor (individual) is entitled to use a title prescribed in Part 2 of the Table.
- (4) A building contractor (partnership) is entitled to use a title prescribed in Part 3 of the Table.
- (5) A building contractor (company) is entitled to use a title prescribed in Part 4 of the Table.



**15. Building contractors: building services prescribed**

For the purposes of section 11(a), builder work as the person named as the builder on a building permit is prescribed as a building service that the following classes of building service contractors are entitled to carry out —

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

**16. Qualifications and experience: building practitioners**

- (1) For the purposes of section 17(1)(b) a qualification (if any) listed in a set in the Table, together with the experience listed in the same set, are prescribed as qualifications and experience for building practitioners.

**Table**

|       | <b>Qualifications</b>                                                                                                                                                                                                                                                                                            | <b>Experience</b>                                                                                            |
|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| Set 1 | (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 —<br><br>(i) CPCCBC4005A — Produce labour and material schedules for ordering;<br><br>(ii) CPCCBC4018A — | carrying out or supervising building work for periods totalling at least the equivalent of 7 years full-time |

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**Part 2** Builders

**Division 2** Building service providers

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|  | <b>Qualifications</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Experience</b> |
|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
|  | <p>Apply site surveys and set-out procedures to building and construction projects;</p> <p>(iii) CPCBC5005A — Select and manage building and construction contractors;</p> <p>(iv) CPCBC5007A — Administer the legal obligations of a building construction contract;</p> <p>(v) CPCSUS5001A — Develop workplace policies and procedures for sustainability;</p> <p>(vi) CPCBC4014A — Prepare simple building sketches and drawings;</p> <p>(vii) CPCCOHS1001A — Work safety in the construction industry;</p> <p>or</p> <p>(b) an equivalent</p> |                   |

|       | <b>Qualifications</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Experience</b>                                                                                                              |
|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
|       | qualification as determined by the Board                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                |
| Set 2 | qualifications acceptable for —<br>(a) membership as Member (Level 1) or Member (Level 2) of the Royal Australian Institute of Architects; or<br>(b) registration under the <i>Architects Act 2004</i> ; or<br>(c) membership as Professional Engineer (MIEAust or FIEAust) of the Institution of Engineers, Australia; or<br>(d) membership as Fellow or Member of the Australasian Institute of Mining and Metallurgy,<br>evidenced by such membership or registration | supervising building construction for periods totalling at least the equivalent of 5 years full-time                           |
| 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 |

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**Part 2** Builders

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|       | <b>Qualifications</b> | <b>Experience</b>                                                                                                                                                                                                                                                                                                 |
|-------|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Set 4 |                       | experience in supervising or managing building construction —<br><br>(a) for periods totalling at least the equivalent of 5 years full-time; and<br><br>(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 before it was repealed —                                                                                                          |

|  | <b>Qualifications</b> | <b>Experience</b>                                                                                                                                                                                                                            |
|--|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |                       | (a) for periods totalling at least the equivalent of 7 years full-time; and<br><br>(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) For the purposes of section 17(1)(b) the qualifications and experience for the renewal of the registration of a building practitioner are the qualifications (if any) and the experience that entitled the person to be registered as evidenced by such registration.
- (3) For the purposes of section 17(1)(b) the qualifications and experience for registration as a building practitioner for an eligible person are the qualifications (if any) and the experience that entitled the eligible person to be previously registered as evidenced by such registration.
- (4) In subregulation (3) —  
**eligible person** means a person —
  - (a) who was previously registered at any time in the period of 3 years ending on the day on which an application for registration as a building practitioner is made; and

- (b) whose registration expired or was suspended or cancelled at the request of the person;

*previously registered* means —

- (a) registered as a building practitioner; or
- (b) registered under the Builders' Registration Act 1939 section 9A(1) or 10(1).

*[Regulation 16 amended in Gazette 31 Jan 2012 p. 592-5; 18 Dec 2012 p. 6586.]*

**17. Conduct of examinations**

For the purpose of assessing a person's knowledge and skills in relation to building work the Board may conduct such examinations as the Board considers appropriate.

*[Regulation 17 amended in Gazette 31 Jan 2012 p. 595.]*

**18. Financial requirements: building contractors**

- (1) For the purposes of section 18(1)(b) the financial requirements prescribed for registration as a building contractor are that the applicant must have the capacity to meet debts as and when they fall due.
- (2) For the purpose of assessing whether an applicant has the capacity to meet debts as and when they fall due the Board may have regard to the following —
  - (a) the net assets of the applicant;
  - (b) liquid funds available to the applicant;
  - (c) loan or overdraft facilities available to the applicant;
  - (d) the applicant's equity in property or non-current assets that a loan facility may be raised against;
  - (e) the proposed scale of operation of the applicant;
  - (f) any other consideration relevant to the applicant's financial capacity.

**19. Prescribed requirements: building contractors**

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

**20. Supervisor for building contractor: eligible person**

For the purposes of the definition of *eligible person* in section 21(1) building practitioner is prescribed as the class of building service practitioner for the following classes of building service contractor —

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

**21. Display of signs**

A building contractor who carries out builder work as the person named as the builder on a building permit must ensure that there is attached to the site where the work is being carried out a sign that complies with the following requirements —

- (a) the sign must be located in a prominent position on the site and be able to be read by members of the public from outside the site;
- (b) the sign must be of reasonable dimensions and written in clearly legible letters and numerals;
- (c) the sign must contain the following details —
  - (i) the name and registration number of the building contractor;

- (ii) a contact telephone number for the building contractor;
- (iii) the name and registration number of the nominated supervisor for the building contractor.

Penalty: a fine of \$1 000.

[Regulation 21 amended in Gazette 31 Jan 2012 p. 595.]

### **Division 3 — Owner-builders**

#### **22. Terms used**

In this Division —

**Building Code** means the Building Code of Australia which is volumes 1 and 2, as amended from time to time, of the National Construction Code series published by, or on behalf of, the Australian Building Codes Board;

**Class 10 building** means a building that is a Class 10 building for the purposes of the Building Code;

**detached house** means a building that is a Class 1a(i) building for the purposes of the Building Code;

**small commercial building** means a one or 2 storey building with a floor area of less than 500m<sup>2</sup> that is not a detached house, a Class 10 building or a farm building.

#### **23. Owner-builder work**

For the purposes of the definition of **owner-builder work** in section 38 the following kinds of buildings are prescribed —

- (a) a detached house;
- (b) a Class 10 building;
- (c) a small commercial building.

#### **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.

*[Regulation 24A inserted in Gazette 31 Jan 2012 p. 596.]*

**24. Evidence of knowledge of duties and responsibilities: owner-builders**

For the purposes of section 43(3)(b) building practitioner is prescribed as a class of building service practitioner.

**25. Requirements for owner-builder approval**

For the purposes of section 45(1) the following requirements are prescribed for the grant of an owner-builder approval —

- (a) if the owner-builder work relates to a detached house — the applicant intends to reside on the land on which the owner-builder work is to be carried out when the work is completed;
- (b) if the owner-builder work relates to a Class 10 building or a small commercial building — the applicant intends to occupy or use the land on which the owner-builder work is to be carried out when the work is completed.

*[Regulation 25 amended in Gazette 31 Jan 2012 p. 596.]*

**26. Conditions on owner-builder approvals**

An owner-builder approval is subject to the condition that, if any part of the owner-builder work to which the approval relates must be carried out by a person registered under another written law, the owner-builder must take all reasonable steps to ensure that the work is carried out by a person who is so registered.

**27. Display of signs**

(1) In this regulation —

**approval number** means the number assigned to an owner-builder approval by the Building Commissioner.

(2) An owner-builder who carries out owner-builder work must ensure that there is attached to the site where the work is being carried out a sign that complies with the following requirements —

- (a) the sign must be located in a prominent position on the site and be able to be read by members of the public from outside the site;
- (b) the sign must be of reasonable dimensions and written in clearly legible letters and numerals;
- (c) the sign must contain the following details —
  - (i) the name of the owner-builder;
  - (ii) a contact telephone number for the owner-builder;
  - (iii) the approval number for the owner-builder approval granted in respect of the work.

Penalty: a fine of \$1 000.

*[Regulation 27 amended in Gazette 31 Jan 2012 p. 596.]*

## Part 3A — Building surveyors

[Heading inserted in Gazette 12 Mar 2012 p. 992.]

### 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.

[Regulation 28A inserted in Gazette 12 Mar 2012 p. 992-3.]

### 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<br>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<br>Registered Building Surveying Contractor: Partnership<br>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.

*[Regulation 28B inserted in Gazette 12 Mar 2012 p. 993-5.]*

**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

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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).

*[Regulation 28C inserted in Gazette 12 Mar 2012 p. 1009.]*

**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; and
    - (iii) the registration of a building surveying practitioner level 1 who is an eligible person.

**Table**

|       | <b>Qualifications</b>                                                                             | <b>Experience</b>                                                                                        |
|-------|---------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| Set 1 | Bachelor of Building Surveying and Certification granted by the Central Queensland University; or | experience in building surveying work for periods totalling at least the equivalent of 3 years full-time |

|       | <b>Qualifications</b>                                                                                                                                                    | <b>Experience</b>                                                                                                                                                                                                                                            |
|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | an equivalent qualification as determined by the Board                                                                                                                   |                                                                                                                                                                                                                                                              |
| 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 including at least the equivalent of 4 years full-time experience with a local government in Western Australia in the period since 1 July 1998 |
| Set 3 | CPC60108 Advanced 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 5 years full-time unrestricted experience as a building surveyor including at least the equivalent of 4 years full-time experience with a local government in Western Australia in the period since 1 July 1998 |

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|       | <b>Qualifications</b>                                                                                                               | <b>Experience</b> |
|-------|-------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| Set 4 | Building Surveyor Level 1 certificate granted under the <i>Local Government (Building Surveyors) Regulations 2008</i> regulation 21 |                   |

(2A) In subregulation (1) —

**eligible person** means a person —

- (a) who was registered as a building surveying practitioner level 1 at any time in the period of 3 years ending on the day on which an application for registration as a building surveying practitioner level 1 is made; and
- (b) whose registration expired or was suspended or cancelled at the request of the person.

(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; and
  - (iii) the registration of a building surveying practitioner level 2 who is an eligible person.



**Table**

|       | <b>Qualifications</b>                                                                                                                                                                                                      | <b>Experience</b>                                                                                                                                                                         |
|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Set 1 | CPC60108 Advanced Diploma in Building Surveying as described in CPC08: Construction, Plumbing and Services Training Package published by Training.gov.au; or<br><br>an equivalent qualification as determined by the Board | experience in building surveying work for periods totalling at 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 including at least the equivalent of 4 years full-time experience           |

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|       | <b>Qualifications</b>                                                                                                               | <b>Experience</b>                                                            |
|-------|-------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
|       |                                                                                                                                     | with 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 |                                                                              |

(3A) In subregulation (2) —

**eligible person** means a person —

- (a) who was registered as a building surveying practitioner level 2 at any time in the period of 3 years ending on the day on which an application for registration as a building surveying practitioner level 2 is made; and
  - (b) whose registration expired or was suspended or cancelled at the request of the person.
- (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<sup>2</sup>.

**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; or<br><br>an equivalent qualification as determined by the Board |                                                                                                                                                      |
| 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 |

(4) In subregulation (3) —

**eligible person** means a person —

- (a) who was registered as a building surveying practitioner technician at any time in the period of 3 years ending on the day on which an application for registration as a building surveying practitioner technician is made; and
- (b) whose registration expired or was suspended or cancelled at the request of the person.

*[Regulation 28D inserted in Gazette 12 Mar 2012 p. 995-9; amended in Gazette 6 Nov 2012 p. 5294; 18 Dec 2012 p. 6586-9.]*

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**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.

*[Regulation 28E inserted in Gazette 12 Mar 2012 p. 999-1000.]*

**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.

*[Regulation 28F inserted in Gazette 12 Mar 2012 p. 1000.]*

**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.

*[Regulation 28G inserted in Gazette 12 Mar 2012 p. 1001.]*

**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

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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).

*[Regulation 28H inserted in Gazette 12 Mar 2012 p. 1001-2.]*

**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.

*[Regulation 28I inserted in Gazette 12 Mar 2012 p. 1010.]*

**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.

*[Regulation 28J inserted in Gazette 12 Mar 2012 p. 1010.]*

**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.

*[Regulation 28K inserted in Gazette 12 Mar 2012 p. 1011.]*

### **Part 3 — Painters**

**28. Terms used**

(1) In this Part —

***painter work*** means painting work —

- (a) carried out for payment or reward; and
- (b) with a value \$1 000 or more based on the value of the work estimated under Schedule 2; and
- (c) carried out in an area of the State set out in Schedule 4;

***painting contractor*** means —

- (a) a painting contractor (individual); or
- (b) a painting contractor (partnership); or
- (c) a painting contractor (company);

***painting work*** has the meaning given in the *Building Services (Complaint Resolution and Administration) Regulations 2011* regulation 4.

(2) The value of painting work to be carried out under different contracts is to be added together for the purposes of calculating the value of painting work if —

- (a) the person contracting to carry out the painting work is the same for each of the contracts; and
- (b) the different contracts are entered into to carry out painting work in respect of the same building or fixture or in respect of the same part or a number of different parts of the same building or fixture; and
- (c) the aggregate of the painting work contracted to be done under the contracts substantially is a single undertaking in respect of the building or fixture.

(3) If materials used in painting are provided or supplied at the cost of a person other than the person carrying out the painting the value of the materials is to be added to the value of the contract



to carry out the work for the purposes of calculating the value of the painting work.

**29. Prescribed titles: painting practitioners and painting contractors**

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

**Table**

|                                                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Part 1 — Painting practitioners</b>                                                                                                                                                  |
| Registered Painter: Practitioner<br>Registered Painting Practitioner<br>Registered Painting Services Practitioner                                                                       |
| <b>Part 2 — Painting contractor (individual)</b>                                                                                                                                        |
| Registered Painter<br>Registered Painter: Contractor<br>Registered Painting Contractor<br>Registered Painting Services Contractor                                                       |
| <b>Part 3 — Painting contractor (partnership)</b>                                                                                                                                       |
| Registered Painting Partnership<br>Registered Painting Contractor: Partnership<br>Registered Painting Contractor (Partnership)<br>Registered Painting Services Contractor (Partnership) |
| <b>Part 4 — Painting contractor (company)</b>                                                                                                                                           |
| Registered Painting Company<br>Registered Painting Contractor: Company                                                                                                                  |

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|                                                                                               |
|-----------------------------------------------------------------------------------------------|
| Registered Painting Contractor (Company)<br>Registered Painting Services Contractor (Company) |
|-----------------------------------------------------------------------------------------------|

- (2) A painting practitioner is entitled to use a title prescribed in Part 1 of the Table.
- (3) A painting contractor (individual) is entitled to use a title prescribed in Part 2 of the Table.
- (4) A painting contractor (partnership) is entitled to use a title prescribed in Part 3 of the Table.
- (5) A painting contractor (company) is entitled to use a title prescribed in Part 4 of the Table.

**30. Painting contractors: building services prescribed**

For the purposes of section 11(a), painter work is prescribed as a building service that the following classes of building service contractors are entitled to carry out —

- (a) painting contractor (individual);
- (b) painting contractor (partnership);
- (c) painting contractor (company).

**31. Qualifications and experience: painting practitioners**

- (1) For the purposes of section 17(1)(b) a qualification (if any) listed in a set in the Table, together with the experience (if any) listed in the same set, are prescribed as qualifications and experience for painting practitioners.

**Table**

|       | <b>Qualifications</b>                        | <b>Experience</b>                                          |
|-------|----------------------------------------------|------------------------------------------------------------|
| Set 1 | (a) CPC30611 Certificate III in Painting and | (a) experience in carrying out painting work gained in the |

|       | <b>Qualifications</b>                                                                                                                                                                                                                                                                                                                                                    | <b>Experience</b>                                                                                                                                                                                                                               |
|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p>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>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;</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</p>                         |

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|       | <b>Qualifications</b>                                                                                                                                                                                     | <b>Experience</b>                                                                                                                                                                                                                                                           |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <p>or</p> <p>(b) an equivalent qualification as determined by the Board</p>                                                                                                                               | <p>management and estimating and specification sufficient to gain knowledge and skills equivalent to those possessed by 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</p> |
| Set 3 | <p>(a) 52202 Course in Painters' Registration being an accredited course described in the register published by Training.gov.au; or</p> <p>(b) an equivalent qualification as determined by the Board</p> | <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</p>                                                                                                      |
| Set 4 |                                                                                                                                                                                                           | <p>experience in carrying out painting work —</p> <p>(a) covering a significant range of painting techniques</p>                                                                                                                                                            |

|  | Qualifications | Experience                                                                                                                                                                                                                           |
|--|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |                | for periods totalling at least the equivalent of 5 years full-time; and<br>(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 |

- (2) For the purposes of section 17(1)(b) the qualifications and experience for the renewal of the registration of a painting practitioner are the qualifications (if any) and the experience that entitled the person to be registered as evidenced by such registration.
- (3) For the purposes of section 17(1)(b) the qualifications and experience for registration as a painting practitioner for an eligible person are the qualifications (if any) and the experience that entitled the eligible person to be previously registered as evidenced by such registration.
- (4) In subregulation (3) —
  - eligible person* means a person —
    - (a) who was previously registered at any time in the period of 3 years ending on the day on which an application for registration as a painting practitioner is made; and
    - (b) whose registration expired or was suspended or cancelled at the request of the person.

*previously registered* means —

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- (a) registered as a painting practitioner; or
- (b) registered under the Painters' Registration Act 1961 section 12(1) or (2).

*[Regulation 31 amended in Gazette 31 Jan 2012 p. 596-9;  
18 Dec 2012 p. 6589.]*

**32. Conduct of examinations**

For the purpose of assessing a person's knowledge and skills in relation to painting work, small business management or estimating and specification, the Board may conduct such examinations as the Board considers appropriate.

**33. Financial requirements: painting contractors**

- (1) For the purposes of section 18(1)(b) the following financial requirements are prescribed for registration as a painting contractor (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 painting contractor (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 painting contractor (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.

**34. Prescribed requirements: painting contractors**

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

**35. Supervisor for painting contractor: eligible person**

For the purposes of the definition of *eligible person* in section 21(1) painting practitioner is prescribed as the class of building service practitioner for the following classes of building service contractor —

- (a) painting contractor (individual);
- (b) painting contractor (partnership);
- (c) painting contractor (company).

**36. Display of signs**

A painting contractor who carries out painter work must ensure that there is attached to the site where the work is being carried out a sign that complies with the following requirements —

- (a) the sign must be located in a prominent position on the site and be able to be read by members of the public from outside the site;
- (b) the sign must be of reasonable dimensions and written in clearly legible letters and numerals;
- (c) the sign must contain the following details —

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- (i) the name and registration number of the painting contractor;
- (ii) a contact telephone number for the painting contractor;
- (iii) the name and registration number of the nominated supervisor for the painting contractor.

Penalty: a fine of \$500.

*[Regulation 36 amended in Gazette 31 Jan 2012 p. 599.]*



## **Part 4 — Transitional provisions**

### **Division 1 — Builders' Registration Act 1939**

#### **37. Terms used**

In this Division —

**commencement day** means the day on which section 107 comes into operation;

**former board** means the Builders' Registration Board of Western Australia constituted under section 5(1) of the repealed Act;

**former registrar** means the registrar under the repealed Act;

**owner-builder authorisation** means authorisation given by the former board under section 4(1a) of the repealed Act;

**repealed Act** means the *Builders' Registration Act 1939*.

#### **38. Continuation of registration (s. 114)**

- (1) For the purposes of section 114 —
  - (a) a person registered under section 9A(1) or 10(1) of the repealed Act is to be taken to be registered as a building practitioner and a building contractor (individual); and
  - (b) a partnership registered under section 10(2) of the repealed Act is to be taken to be registered as a building contractor (partnership); and
  - (c) a company or other body corporate registered under section 10(2) of the repealed Act is to be taken to be registered as a building contractor (company).
- (2) The Building Commissioner may extend the period for which a person is to be taken under section 114 to be registered as a building practitioner or building contractor for a period of up to 3 months.

**39. Continuation of declaration of ineligible persons**

A declaration made under section 13(1ba)(a) of the repealed Act that is in force immediately before commencement day is to be taken to continue in effect as if it were an order made by the State Administrative Tribunal under section 60.

**40. Membership of Board — experience as builder**

For the purposes of section 67(2)(c) a person who has experience as a person registered under section 9A or 10 of the repealed Act is to be taken to be a person who has experience as a registered building service provider in a class listed in item 1 of the Table to regulation 8.

**41. Continuation of owner-builder authorisation**

- (1) A person who, before commencement day, had owner-builder authorisation to construct a building is to be taken to have been granted an owner-builder approval on commencement day to carry out building work for the building.
- (2) A person who is taken to have been granted an owner-builder approval under this regulation —
  - (a) is not required to comply with regulation 27(2)(c)(ii); and
  - (b) is to be taken to have complied with regulation 27(2)(c)(iii) if the sign contains the number assigned to the owner-builder authorisation by the former board.

**42. Building Commissioner may exercise powers**

The Building Commissioner may, on or after commencement day —

- (a) exercise any of the powers of the former board for the purposes of an investigation authorised to be made by the former board under the repealed Act; and

- (b) exercise any of the powers of the former registrar for the purposes of taking proceedings under the repealed Act.

**Division 2 — Painters' Registration Act 1961**

**43. Terms used**

In this Division —

*commencement day* means the day on which section 108 comes into operation;

*former board* means the Painters' Registration Board established under section 5 of the repealed Act;

*former registrar* means the Registrar under the repealed Act;

*repealed Act* means the *Painters' Registration Act 1961*.

**44. Continuation of registration (s. 127)**

- (1) For the purposes of section 127 —
  - (a) a person registered under section 12(1) or (2) of the repealed Act is to be taken to be registered as a painting practitioner and a painting contractor (individual); and
  - (b) a partnership registered under section 14(1) of the repealed Act is to be taken to be registered as a painting contractor (partnership); and
  - (c) a company or other body corporate registered under section 14(1) of the repealed Act is to be taken to be registered as a painting contractor (company).
- (2) The Building Commissioner may extend the period for which a person is to be taken under section 127 to be registered as a painting practitioner or painting contractor for a period of up to 3 months.

**45. Membership of Board — experience as painter**

For the purposes of section 67(2)(c) a person who has experience as a person registered under section 12 of the

repealed Act is to be taken to be a person who has experience as a registered building service provider in a class listed in item 2 of the Table to regulation 8.

**46. Building Commissioner may exercise powers**

The Building Commissioner may, on or after commencement day —

- (a) exercise any of the powers of the former board for the purposes of an investigation authorised to be made by the former board under the repealed Act; and
- (b) exercise any of the powers of the former registrar for the purposes of taking proceedings under the repealed Act.

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

*[Heading inserted in Gazette 12 Mar 2012 p. 1002.]*

**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.

*[Regulation 47 inserted in Gazette 12 Mar 2012 p. 1002.]*

**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.

*[Regulation 48 inserted in Gazette 12 Mar 2012 p. 1002-3.]*

**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).

*[Regulation 49 inserted in Gazette 12 Mar 2012 p. 1003-4.]*

**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).

*[Regulation 50 inserted in Gazette 12 Mar 2012 p. 1004.]*

**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.

*[Regulation 51 inserted in Gazette 12 Mar 2012 p. 1004-5.]*

**Schedule 1 — Fees**

[r. 9]

**Division 1 — General**

| <b>Item</b> | <b>Service</b>                                                                                                                                                                     | <b>Fee (\$)</b> |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 1.          | Issue of replacement certificate of registration                                                                                                                                   | 51.00           |
| 2.          | Issue of new certificate of registration following name change                                                                                                                     | 51.00           |
| 3.          | Provision of a certified or uncertified copy of the register                                                                                                                       | 87.00           |
| 4.          | Provision of a certified or uncertified copy of the register in respect of the classes of building service contractors in a specified occupation group referred to in regulation 8 | 51.00           |
| 5.          | Provision of a certified or uncertified copy of the entry in the register in respect of a specified building service provider on a specified day or within a specified period      | 30.50           |
| 6.          | Provision of a certified or uncertified copy of entries that have been added to, or deleted from, the register after a specified day                                               | 51.00           |

*[Division 1 amended in Gazette 31 Jan 2012 p. 599; 15 Jun 2012 p. 2618.]*

**Division 2 — Builders**

*[Heading inserted in Gazette 31 Jan 2012 p. 599.]*

| <b>Item</b> | <b>Description of fee</b>                             | <b>Fee (\$)</b> |
|-------------|-------------------------------------------------------|-----------------|
| 1.          | Application for registration as building practitioner | 190.00          |

**Building Services (Registration) Regulations 2011****Schedule 1** Fees**Division 2** Builders

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| <b>Item</b> | <b>Description of fee</b>                                         | <b>Fee (\$)</b> |
|-------------|-------------------------------------------------------------------|-----------------|
| 2.          | Application for registration as building contractor (individual)  | 123.00          |
| 3.          | Application for registration as building contractor (partnership) | 246.00          |
| 4.          | Application for registration as building contractor (company)     | 313.00          |
| 5.          | Registration fee for building practitioner (1 year)               | 195.00          |
| 6.          | Registration fee for building practitioner (2 years)              | 380.00          |
| 7.          | Registration fee for building practitioner (3 years)              | 549.00          |
| 8.          | Registration fee for building contractor (individual) (1 year)    | 128.00          |
| 9.          | Registration fee for building contractor (individual) (2 years)   | 251.00          |
| 10.         | Registration fee for building contractor (individual) (3 years)   | 359.00          |
| 11.         | Registration fee for building contractor (partnership) (1 year)   | 436.00          |
| 12.         | Registration fee for building contractor (partnership) (2 years)  | 848.00          |
| 13.         | Registration fee for building contractor (partnership) (3 years)  | 1 233.00        |
| 14.         | Registration fee for building contractor (company) (1 year)       | 997.00          |



| <b>Item</b> | <b>Description of fee</b>                                          | <b>Fee (\$)</b> |
|-------------|--------------------------------------------------------------------|-----------------|
| 15.         | Registration fee for building contractor (company) (2 years)       | 1 932.00        |
| 16.         | Registration fee for building contractor (company) (3 years)       | 2 806.00        |
| 17.         | Late fee for application for renewal made after the renewal period | 51.00           |
| 18.         | Fee for sitting an examination — metropolitan area                 | 123.00          |
| 19.         | Fee for marking an examination sat outside metropolitan area       | 46.00           |

*[Division 2 inserted in Gazette 31 Jan 2012 p. 599-600; amended in Gazette 15 Jun 2012 p. 2618-19.]*

**Division 3 — Owner-builders**

| <b>Item</b> | <b>Description of fee</b>                            | <b>Fee (\$)</b> |
|-------------|------------------------------------------------------|-----------------|
| 1.          | Application for owner-builder approval (residential) | 143.00          |
| 2.          | Application for owner-builder approval (commercial)  | 436.00          |

*[Division 3 amended in Gazette 15 Jun 2012 p. 2619.]*

**Division 4A — Building surveyors**

*[Heading inserted in Gazette 12 Mar 2012 p. 1005.]*

| <b>Item</b> | <b>Description of fee</b>                                                          | <b>Fee (\$)</b> |
|-------------|------------------------------------------------------------------------------------|-----------------|
| 1.          | Application for registration as building surveying practitioner level 1 or level 2 | 100             |

**Building Services (Registration) Regulations 2011****Schedule 1** Fees**Division 4A** Building surveyors

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| <b>Item</b> | <b>Description of fee</b>                                                                      | <b>Fee (\$)</b> |
|-------------|------------------------------------------------------------------------------------------------|-----------------|
| 2.          | Application for registration as building surveying practitioner technician                     | 50              |
| 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             |

| <b>Item</b> | <b>Description of fee</b>                                                                     | <b>Fee (\$)</b> |
|-------------|-----------------------------------------------------------------------------------------------|-----------------|
| 13.         | Registration fee for building surveying contractor level 1 or level 2 (partnership) (1 year)  | 500             |
| 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              |

*[Division 4A inserted in Gazette 12 Mar 2012 p. 1005-7.]*

**Division 4 — Painters**

*[Heading inserted in Gazette 31 Jan 2012 p. 600.]*

| <b>Item</b> | <b>Description of fee</b>                             | <b>Fee (\$)</b> |
|-------------|-------------------------------------------------------|-----------------|
| 1.          | Application for registration as painting practitioner | 77.00           |

**Building Services (Registration) Regulations 2011****Schedule 1** Fees**Division 4** Painters

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| <b>Item</b> | <b>Description of fee</b>                                         | <b>Fee (\$)</b> |
|-------------|-------------------------------------------------------------------|-----------------|
| 2.          | Application for registration as painting contractor (individual)  | 51.00           |
| 3.          | Application for registration as painting contractor (partnership) | 97.00           |
| 4.          | Application for registration as painting contractor (company)     | 128.00          |
| 5.          | Registration fee for painting practitioner (1 year)               | 143.00          |
| 6.          | Registration fee for painting practitioner (2 years)              | 277.00          |
| 7.          | Registration fee for painting practitioner (3 years)              | 406.00          |
| 8.          | Registration fee for painting contractor (individual) (1 year)    | 97.00           |
| 9.          | Registration fee for painting contractor (individual) (2 years)   | 190.00          |
| 10.         | Registration fee for painting contractor (individual) (3 years)   | 272.00          |
| 11.         | Registration fee for painting contractor (partnership) (1 year)   | 149.00          |
| 12.         | Registration fee for painting contractor (partnership) (2 years)  | 287.00          |
| 13.         | Registration fee for painting contractor (partnership) (3 years)  | 421.00          |
| 14.         | Registration fee for painting contractor (company) (1 year)       | 364.00          |

**Building Services (Registration) Regulations 2011**

Fees      **Schedule 1**  
Painters    **Division 4**

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| <b>Item</b> | <b>Description of fee</b>                                          | <b>Fee (\$)</b> |
|-------------|--------------------------------------------------------------------|-----------------|
| 15.         | Registration fee for painting contractor (company) (2 years)       | 709.00          |
| 16.         | Registration fee for painting contractor (company) (3 years)       | 1 028.00        |
| 17.         | Late fee for application for renewal made after the renewal period | 25.50           |
| 18.         | Fee for sitting an examination — metropolitan area                 | 66.00           |
| 19.         | Fee for marking an examination sat outside metropolitan area       | 46.00           |

*[Division 4 inserted in Gazette 31 Jan 2012 p. 600-1; amended in Gazette 15 Jun 2012 p. 2619-20.]*

## **Schedule 2 — Estimating the value of work**

[r. 13(1), 28(1)]

### **1. Terms used**

In this Schedule —

**GST** has the meaning given in the *A New Tax System (Goods and Services Tax) Act 1999* (Commonwealth);

**relevant components** means —

- (a) all goods (including manufactured goods forming part of the work); and
- (b) labour; and
- (c) services necessary; and
- (d) fees payable; and
- (e) overheads to be met; and
- (f) profit margin.

### **2. Estimated value of work**

For the purposes of estimating the value of work —

- (a) where the work is to be carried out under a contract and the contract price includes value for at least each of the relevant components — the estimated value of the work is the contract price (including the GST); and
- (b) where the work is to be carried out —
  - (i) other than under a contract; or
  - (ii) under a contract the contract price for which does not include value for each of the relevant components,the estimated value of the work is the sum of the value (including the GST) of the relevant components.

### **Schedule 3 — Builder work: areas of State for purposes of definition**

[r. 13(1)]

**1. Term used: townsite**

In this Schedule —

*townsite* means a townsite constituted under the *Land Administration Act 1997* section 26(2).

**2. Areas of State**

- (1) The area described as the South West Division in the *Land Administration Act 1997* Schedule 1, other than the local government districts of Mukinbudin, Mt Marshall and Narembeen.
- (2) The local government districts of Geraldton, Greenough, Chapman Valley and Northampton.
- (3) The areas constituted by —
  - (a) the townsites of Kalgoorlie and Boulder, in the local government district of Kalgoorlie Boulder; and
  - (b) the townsites of Esperance, Salmon Gums, Grass Patch, Scaddan, Condingup, Coomalbidgup, Cascade and Gibson in the local government district of Esperance; and
  - (c) the townsites of Southern Cross, Marvel Loch, Moorine Rock, Bullfinch and Bodallin, in the local government district of Yilgarn; and
  - (d) the townsites of Coolgardie, Kambalda and Kambalda West, in the local government district of Coolgardie; and
  - (e) the townsite of Norseman, in the local government district of Dundas; and
  - (f) the townsite of Laverton, in the local government district of Laverton; and
  - (g) the townsite of Munglinup, in the local government district of Ravensthorpe; and
  - (h) the townsites of Tom Price, Paraburdoo and Onslow, in the local government district of Ashburton; and

**cl. 2**

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- (i) the townsites of Newman, Nullagine and Marble Bar, in the local government district of East Pilbara; and
- (j) the townsite of Exmouth in the local government district of Exmouth; and
- (k) the townsites of Port Hedland, South Hedland and Wedgefield in the local government district of Port Hedland; and
- (l) the townsites of Karratha, Roebourne, Point Samson, Dampier and Wickham, in the local government district of Roebourne; and
- (m) the townsites of Carnarvon, Coral Bay and Mauds Landing in the local government district of Carnarvon; and
- (n) the townsite of Halls Creek in the local government district of Halls Creek; and
- (o) the townsite of Broome in the local government district of Broome; and
- (p) the townsites of Derby, Fitzroy Crossing and Camballin in the local government district of Derby West Kimberley.



## **Schedule 4 — Painter work: areas of the State for purposes of definition**

[r. 28]

**1. Term used: townsite**

In this Schedule —

*townsite* means a townsite constituted under the *Land Administration Act 1997* section 26(2).

**2. Areas of State**

(1) The area described as the South West Division in the *Land Administration Act 1997* Schedule 1, other than the local government districts of Mukinbudin, Mt Marshall and Narembeen.

(2) The areas constituted by —

- (a) the townsites of Kalgoorlie and Boulder, in the local government district of Kalgoorlie Boulder; and
- (b) the townsites of Esperance, Salmon Gums, Grass Patch, Scaddan, Condingup, Coomalbidgup, Cascade and Gibson in the local government local government district of Esperance; and
- (c) the townsites of Southern Cross, Marvel Loch, Moorine Rock, Bullfinch and Bodallin, in the local government district of Yilgarn; and
- (d) the townsites of Coolgardie, Kambalda and Kambalda West, in the local government district of Coolgardie; and
- (e) the townsite of Norseman, in the local government district of Dundas; and
- (f) the townsite of Laverton, in the local government district of Laverton; and
- (g) the townsite of Munglinup, in the local government district of Ravensthorpe.

### Notes

- <sup>1</sup> This is a compilation of the *Building Services (Registration) Regulations 2011* and includes the amendments made by the other written laws referred to in the following table.

#### Compilation table

| Citation                                                                   | Gazettal                   | Commencement                                                                                                                                                            |
|----------------------------------------------------------------------------|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Building Services (Registration) Regulations 2011</i>                   | 26 Aug 2011<br>p. 3411-52  | r. 1 and 2: 26 Aug 2011<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>29 Aug 2011 (see r. 2(b)<br>and <i>Gazette</i> 26 Aug 2011<br>p. 3475-6)             |
| <i>Building Services (Registration) Amendment Regulations 2011</i>         | 31 Jan 2012<br>p. 591-601  | r. 1 and 2: 31 Jan 2012<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>1 Feb 2012 (see r. 2(b))                                                             |
| <i>Building Services (Registration) Amendment Regulations 2012</i>         | 12 Mar 2012<br>p. 989-1011 | r. 1 and 2: 12 Mar 2012<br>(see r. 2(a));<br>r. 3 and Pt. 2: 13 Mar 2012<br>(see r. 2(b));<br>Pt. 3: 2 Apr 2012 (see r. 2(c) and<br><i>Gazette</i> 13 Mar 2012 p. 1033) |
| <i>Building Services (Registration) Amendment Regulations (No. 3) 2012</i> | 15 Jun 2012<br>p. 2617-20  | r. 1 and 2: 15 Jun 2012<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>1 Jul 2012 (see r. 2(b))                                                             |
| <i>Building Services (Registration) Amendment Regulations (No. 4) 2012</i> | 6 Nov 2012<br>p. 5293-4    | r. 1 and 2: 6 Nov 2012<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>7 Nov 2012 (see r. 2(b))                                                              |
| <i>Building Services (Registration) Amendment Regulations (No. 5) 2012</i> | 18 Dec 2012<br>p. 6585-9   | r. 1 and 2: 18 Dec 2012<br>(see r. 2(a));<br>Regulations other than r. 1 and 2:<br>19 Dec 2012 (see r. 2(b))                                                            |

- <sup>2</sup> The *Building Services (Registration) Amendment Regulations (No. 5) 2012* regulation 5(5) amended the *Building Services (Registration) Regulations 2011* and reads as follows:

- (5) In regulation 28D(3):  
(a) in paragraph (b)(ii) delete “30 June 2013.” and insert:

30 March 2015; and

(b) after paragraph (b)(ii) insert:

- (iii) the registration of a building surveying practitioner technician who is an eligible person.

This amendment was not incorporated as paragraph (b) contained no subparagraphs.

**Defined Terms**

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**Defined Terms**

*[This is a list of terms defined and the provisions where they are defined.  
The list is not part of the law.]*

| <b>Defined Term</b>                          | <b>Provision(s)</b>              |
|----------------------------------------------|----------------------------------|
| 2008 regulations .....                       | 47                               |
| approval number .....                        | 27(1)                            |
| builder work .....                           | 3, 13(1)                         |
| Building Code .....                          | 22                               |
| building contractor .....                    | 13(1)                            |
| building surveying contractor .....          | 28A                              |
| building surveying work .....                | 28A                              |
| building surveying work level 1 .....        | 3, 28A                           |
| building surveying work level 2 .....        | 3, 28A                           |
| building work .....                          | 12                               |
| certificate of building compliance .....     | 3                                |
| certificate of construction compliance ..... | 3                                |
| certificate of design compliance .....       | 3                                |
| compliance certificate .....                 | 3                                |
| Class 10 building .....                      | 22                               |
| commencement day .....                       | 37, 43                           |
| commercial building .....                    | 22                               |
| detached house .....                         | 22                               |
| eligible person .....                        | 16(4), 28D(2A), (3A), (4), 31(4) |
| farm building .....                          | 12                               |
| former board .....                           | 37, 43                           |
| former registrar .....                       | 37, 43                           |
| GST .....                                    | Sch. 2, cl. 1                    |
| insolvent .....                              | 3                                |
| owner-builder authorisation .....            | 37                               |
| painter work .....                           | 3                                |
| painter work means painting work .....       | 28(1)                            |
| painting contractor .....                    | 28(1)                            |
| painting work .....                          | 28(1)                            |
| previously registered .....                  | 16(4), 31(4)                     |
| relevant components .....                    | Sch. 2, cl. 1                    |
| repeal day .....                             | 47                               |
| repealed Act .....                           | 37, 43                           |
| section .....                                | 3                                |
| townsite .....                               | Sch. 3, cl. 1, 4, cl. 1          |