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Building Act 1993

Revocation of Determinations and Determinations Relating to Building Practitioners

I, Natasha Kate Fyles, Minister for Racing, Gaming and Licensing:

- (a) under section 24G of the *Building Act 1993* and with reference to section 43 of the *Interpretation Act 1978*, revoke the following determinations:
- (i) determination made by instrument entitled "Revocation of Determinations and Determinations Relating to Building Practitioners" dated 23 September 2019 and published in *Gazette* No. G40 on 2 October 2019; and
 - (ii) determination made by instrument entitled "Amendment to Determination Relating to Building Practitioners" dated 19 November 2020 and published in *Gazette* No. G47 on 25 November 2020; and
- (b) under section 24G(a) of the *Building Act 1993*, determine that the qualifications and experience for registration as a building practitioner in a category of building practitioner are as specified in Schedule 1; and

- (c) under section 24G(c) of the *Building Act 1993*, determine that the types of insurance policies, and amounts of insurance to be provided under the policies, that may be prescribed by regulation for section 24(3), 24B(3) or 24F(5) of the Act are as specified in Schedule 2.

N. K. Fyles
Minister for Racing, Gaming and Licensing

Dated 11 June 2021

Schedule 1: Qualifications and experience for registration as building practitioner

1 Building contractor residential (restricted)

- (1) The qualifications and experience for registration in the category of building contractor residential (restricted) are:

- (a) one of the following:

- (i) successful completion of the following units for a CPC40120 Certificate IV in Building and Construction:

- (A) each of the following core units:

CPCBC4001	Apply building codes and standards to the construction process for Class 1 and 10 Buildings
CPCBC4002	Manage work health and safety in the building and construction workplace
CPCBC4007	Plan building or construction work
CPCBC4008	Supervise site communication and administration processes for building and construction projects
CPCBC4009	Apply legal requirements to building and construction projects
CPCBC4010	Apply structural principles to residential and commercial constructions

- CPCBC4012 Read and interpret plans and specifications
 - CPCBC4014 Prepare simple building sketches and drawings
 - CPCBC4018 Apply site surveys and set-out procedures to building and construction projects
 - CPCBC4021 Minimise waste on the building and construction site
 - CPCBC4053 Apply building codes and standards to the construction process for Class 2 to 9, Type C Buildings; and
- (B) 8 of the following elective units:
- BSBPMG422 Apply project quality management techniques
 - CPCBC4003 Select, prepare and administer a construction contract
 - CPCBC4004 Identify and produce estimated costs for building and construction projects
 - CPCBC4005 Produce labour and material schedules for ordering
 - CPCBC4006 Select, procure and store construction materials for building and construction projects
 - CPCSUS4002 Use building science principles to construct energy efficient buildings
 - CPCCO4001 Supervise concreting work
 - CPCBC4013 Prepare and evaluate tender documentation
 - CPCBC4017 Arrange resources and prepare for the building and construction project

CPCBC4052	Lead and manage teams in the building and construction industry
BSBLDR413	Lead effective workplace relationships
BSBPMG430	Undertake project work
BSBPMG426	Apply project risk management techniques
BSBESB402	Establish legal and risk management requirements of new business ventures
BSBESB406	Establish operational strategies and procedures for new business ventures
BSBESB407	Manage finances for new business ventures
BSBWRT411	Write complex documents
BSBPEF501	Manage personal and professional development
CPCBC4015	Prepare specifications for all construction works
CPCBC4019	Apply sustainable building design principles to water management systems
CPCBC4020	Build thermally efficient and sustainable structures
CPCBC4022	Supervise tilt-up work
CPCBC4024	Resolve business disputes
CPCBC4026	Arrange building applications and approvals
CPCBC4028	Prepare design brief for construction works
CPCBC5019	Manage building and construction business finances

CPCSUS4001 Implement and monitor environmentally sustainable work practices

CPCSUS4003 Maximise energy efficiency through applied trade skills;

(ii) successful completion of a course, or units of a course, that in the opinion of the Building Practitioners Board is at least equivalent to the satisfaction of the requirements in subparagraph (i);

(iii) a statement of attainment of competency equivalent to the satisfaction of the requirements in subparagraph (i) issued by a registered training organisation as defined in the *Training and Skills Development Act 2016*; and

(b) one of the following:

(i) at least 3 years practical experience in carrying out building work for which a building contractor residential (restricted) is a prescribed building contractor under regulation 41B(1) of the *Building Regulations 1993*;

(ii) practical experience that, in the opinion of the Building Practitioners Board, is equivalent to the experience referred to in subparagraph (i).

(2) The applicant must:

(a) provide at least 3 written references from building practitioners currently registered in the categories of builder contractor, building certifier and certifying engineer (structural) who can verify the individual's role, responsibilities and substantial personal involvement in prescribed building works listed in the application; or

(b) demonstrate practical experience that, in the opinion of the Building Practitioners Board, is equivalent to the prescribed building works mentioned in subclause (1)(b)(i).

2 Building contractor residential (unrestricted)

(1) The qualifications and experience for registration in the category of building contractor residential (unrestricted) are:

(a) the qualifications specified in clause 1(1)(a); and

(b) one of the following:

(i) at least 3 years practical experience in carrying out building work for which a building contractor residential (unrestricted) is a prescribed building contractor under regulation 41C(1) of the *Building Regulations 1993*;

- (ii) practical experience that, in the opinion of the Building Practitioners Board, is equivalent to the experience referred to in subparagraph (i).
- (2) However, if the applicant for registration in the category of building contractor residential (unrestricted) is currently registered as a building practitioner in the category of building contractor residential (restricted), the applicant has the qualifications and experience for registration if the applicant can satisfy the requirements of subclauses (3) to (5).
- (3) The applicant must demonstrate that, under the supervision of a registered building contractor residential (unrestricted), the applicant has had substantial personal involvement in, and responsibility for, the design and construction of at least one building:
 - (a) that involved carrying out relevant (unrestricted) building work; and
 - (b) for which an occupancy permit has been granted; and
 - (c) to the extent that it precludes 2 or more other people from being able to demonstrate that level of involvement and responsibility for the same building; and
 - (d) that is confirmed in writing by the registered building contractor residential (unrestricted) who supervised the building work.
- (4) The applicant must:
 - (a) provide at least 3 written references from building practitioners currently registered in the categories of builder contractor, building certifier and certifying engineer (structural) who can verify the individual's role, responsibilities and personal involvement in prescribed building works listed in the application; or
 - (b) demonstrate practical experience that, in the opinion of the Building Practitioners Board, is equivalent to the prescribed building works mentioned in subclause (1)(b)(i).
- (5) The applicant must demonstrate to the satisfaction of the Building Practitioners Board that the applicant has a comprehensive working knowledge and understanding of the regulatory and technical issues associated with the construction of buildings of more than 2 storeys, including the relevant requirements of the Building Code as defined in regulation 2(1) of the *Building Regulations 1993* (the **Code**).

3 Building certifier (residential)

- (1) The qualifications and experience for registration in the category of building certifier (residential) are:
 - (a) a degree or other educational qualification required for accreditation as a building surveyor by the Australian Institute of Building Surveyors; and

- (b) at least 3 years practical experience in building surveying of buildings of Classes 1 and 10 as specified under the classification under Part A6 of the Code.
- (2) The applicant must provide at least 3 written references from registered building practitioners who can verify the individual's experience specified in the project list in the application.

4 Building certifier (unrestricted)

- (1) The qualifications and experience for registration in the category of building certifier (unrestricted) are:
 - (a) a degree or other educational qualification required for accreditation as a building surveyor by the Australian Institute of Building Surveyors; and
 - (b) at least 4 years practical experience in building surveying of buildings of Classes 1 to 10 as specified under the classification under Part A6 of the Code.
- (2) The applicant must provide at least 3 written references from registered building practitioners who can verify the individual's experience specified in the project list in the application.

5 Certifying architect

- (1) The qualifications and experience for registration in the category of certifying architect are:
 - (a) registration as an architect under the *Architects Act 1963*; and
 - (b) at least 4 years practical experience in building surveying of buildings of Classes 1 to 10 as specified under the classification under Part A6 of the Code.
- (2) The applicant must provide at least 3 written references from registered building practitioners who can verify the individual's experience specified in the project list in the application.

6 Certifying plumber and drainer

The qualification for registration in the category of certifying plumber and drainer is a licence as an advanced tradesman in the trades of plumbing and draining issued under the *Plumbers and Drainers Licensing Act 1983*.

7 Certifying plumber and drainer (design)

- (1) The experience for registration in the category of certifying plumber and drainer (design) is at least 5 years practical experience in the design of plumbing and drainage systems and on-site sewage disposal systems.
- (2) The applicant must provide at least 3 written references from registered building practitioners who can verify the individual's experience specified in the project list in the application.

8 Certifying engineer (structural)

- (1) The qualifications and experience for registration in the category of certifying engineer (structural) are:
 - (a) a degree or other educational qualification required for membership of Engineers Australia as a professional engineer eligible to use the post-nominals "MIEAust"; and
 - (b) at least 3 years practical experience in the design and supervision of the construction of structural engineering works for buildings, including:
 - (i) at least 12 months practical experience in the design of structural engineering works for buildings; and
 - (ii) at least 12 months practical experience in the supervision of the construction of structural engineering works for buildings.
- (2) The applicant must provide at least 3 written references from registered building practitioners who can verify the individual's experience specified in the project list in the application.
- (3) However, if the applicant for registration in the category of certifying engineer (structural) is currently registered as a structural engineer on the *National Engineering Register* (the **NER**), then the applicant is taken to have satisfied the requirements for registration as a certifying engineer (structural).

9 Certifying engineer (hydraulic)

- (1) The qualifications and experience for registration in the category of certifying engineer (hydraulic) are:
 - (a) a degree or other educational qualification required for membership of Engineers Australia as a professional engineer eligible to use the post-nominals "MIEAust"; and
 - (b) at least 3 years experience in the design and supervision of the construction of building hydraulic services, including:
 - (i) at least 12 months practical experience in the design of building hydraulic services; and
 - (ii) at least 12 months practical experience in the supervision of the construction of building hydraulic services.
- (2) The applicant must provide at least 3 written references from registered building practitioners who can verify the individual's experience specified in the project list in the application.
- (3) However, if the applicant for registration in the category of certifying engineer (hydraulic) is currently registered as a building services engineer on the NER, then the applicant is taken to have satisfied the requirements for registration as a certifying engineer (hydraulic).

10 Certifying engineer (mechanical)

- (1) The qualifications and experience for registration in the category of certifying engineer (mechanical) are:
 - (a) a degree or other educational qualification required for membership of Engineers Australia as a professional engineer eligible to use the post-nominals "MIEAust"; and
 - (b) at least 3 years practical experience in the design and supervision of the construction of mechanical services in buildings, including:
 - (i) at least 12 months practical experience in the design of mechanical services in buildings; and
 - (ii) at least 12 months practical experience in the supervision of the construction of mechanical services in buildings.
- (2) The applicant must provide at least 3 written references from registered building practitioners who can verify the individual's experience specified in the project list in the application.
- (3) However, if the applicant for registration in the category of certifying engineer (mechanical) is currently registered as a mechanical engineer on the NER, then the applicant is taken to have satisfied the requirements for registration as a certifying engineer (mechanical).

11 Registration on renewal

The qualifications and experience for a person's registration in a category of building practitioner on the renewal of that registration are the qualifications and experience required for registration in that category at the time the person was first registered in the category.

Schedule 2: Types and amounts of insurance that may be prescribed

- 1 For a building certifier (residential) – professional indemnity insurance for \$500 000.
- 2 For a building certifier (unrestricted) – professional indemnity insurance for \$1 000 000.
- 3 For a certifying architect – professional indemnity insurance for \$100 000.
- 4 For a certifying plumber and drainer (design) – professional indemnity insurance for \$1 000 000.
- 5 For a certifying engineer (structural) – professional indemnity insurance for \$1 000 000.
- 6 For a certifying engineer (hydraulic) – professional indemnity insurance for \$100 000.
- 7 For a certifying engineer (mechanical) – professional indemnity insurance for \$100 000.