

1998

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**CONSTRUCTION PRACTITIONERS REGISTRATION ACT 1998
CONSTRUCTION PRACTITIONERS REGISTRATION REGULATIONS**

EXPLANATORY STATEMENT

Circulated by authority of

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Minister for Urban Services

Construction Practitioners Registration Regulations

Outline

These are new Regulations. The *Construction Practitioners Registration Act 1998* (referred to in the Regulations as "the Act") provides for the registration of construction practitioners who may act as certifiers of construction work under the *Building Act 1972* or other legislation if the regulations provide for it. The purpose of the changes is to allow people not employed by the government ("private certifiers") to undertake plan approval and inspection functions currently undertaken by government employees.

The Regulations:

- extend the legislation under which certifiers may work to the *Canberra Sewerage and Water Supply Regulations*, which control on-site plumbing and drainage work;
- specify the categories of registered construction practitioners and the qualifications for each category;
- specify the insurance to be held by categories of construction practitioners; and
- set out the information to be provided with applications for registration, with applications for renewal and to be available on the publicly available register of construction practitioners.

Financial Implications

There are no financial implications.

REGULATION NOTES

Formal Regulations

Regulations 1 and 2 are formal provisions setting out the title and commencement of the Regulations.

Interpretation

Regulation 3 gives the meaning of references to the terms "Act", "Register", "registration" and "renewal statement" used in the Regulations.

Construction work

Subsection 3 (1) of the Act allows the prescription of work as "construction work". A prescribed law must apply to the work. **Subregulation 4 (1)** prescribes work on a hot water supply service, a sanitary drainage system, a sanitary plumbing system or a water service.

Subsection 3 (1) of the Act allows for prescribed laws that provide for the appointment of a registered construction practitioner as certifier in relation to construction work. **Subregulation 4 (2)** prescribes the Canberra Sewerage and Water Supply Regulations.

Subregulation 4 (3) gives the meaning of the terms "hot water supply service", "sanitary drainage system", "sanitary plumbing system" and "water service" used in this section. The terms appear in the Canberra Sewerage and Water Supply Regulations. All of them but "hot water supply service" are defined in Australian Standard 3500, National Plumbing and Drainage Code and subregulation 4 (2) of the Canberra Sewerage and Water Supply Regulations states that expressions used in those regulations are to be taken to have the same meaning as in that Standard. The Standard defines a "water service" as referring to cold water supply.

Insurance

Subsection 3 (1) of the Act provides for the prescription of kinds of insurance to be held by certifiers. **Subregulation 5 (1)** specifies that people registered as Principal Building Surveyor or Building Surveyor must hold professional indemnity insurance that provides cover of at least \$1,000,000 a year, at least \$1,000,000 in one claim, an excess of no more than \$5,000, at least one automatic reinstatement and run-off for 10 years after the person ceases to be registered.

Subregulation 5 (2) states that the run-off provision must operate automatically and not require an application or additional payment.

Subregulation 5 (3) requires people registered as Plumbing Plan Certifiers to hold public liability insurance of at least \$1,000,000 per year or, if the person

is registered as an engineer, as provided in the Schedule, professional indemnity insurance of at least \$1,000,000 per year.

Categories of registration

Section 4 of the Act provides for the prescription of categories of registration as a construction practitioner. **Regulation 6** states that the categories are to be those set out in column 2 of the Schedule to these Regulations.

Application for registration

Paragraph 5 (2) (e) of the Act provides for regulations to prescribe information to be contained in an application for registration as a construction practitioner. **Subregulation 7 (1)** specifies information that identifies the applicant, and gives contact details and the applicant's qualifications. **Subregulation 7 (2)** asks for a statement about any convictions for fraud or dishonesty and documents that support statements about qualifications.

Qualifications for registration

Section 6 of the Act provides for the prescription of qualifications for categories of registration as a construction practitioner. **Regulation 8** states that the qualifications for a category of registration are to be those set out in column 3 of the Schedule to these Regulations.

Annual renewal statement

Paragraph 10 (1) (a) of the Act allows the prescription of details that a registered construction practitioner is to provide in an annual return. **Regulation 9** specifies these. They are contact details and a statement of any new convictions for fraud or dishonesty.

Register of construction practitioners

Subparagraph 11 (2) (a) (i) of the Act provides for the prescription of details that are to appear in the register of construction practitioners. **Regulation 10** specifies these. They are contact information, details about the practitioner's category of registration and date of registration, details of disciplinary action against the practitioner and details of the insurance held.

Schedule - Categories and Qualifications of Registered Construction Practitioners

The Schedule sets out the categories of registered construction practitioner and the corresponding qualifications. Subsection 3 (1) of the Act states that qualifications include training and experience. Principal Building Surveyors and Building Surveyors will be certifiers under the Building Act while Plumbing Plan Certifiers will be certifiers under the Canberra Sewerage and Water Supply Regulations.

Principal Building Surveyors may qualify under either the accreditation scheme administered by the Institution of Engineers, Australia or that administered by the Building Surveyors and Allied Professions Accreditation Board Incorporated. Building Surveyors must qualify under the accreditation scheme administered by the Building Surveyors and Allied Professions Accreditation Board Incorporated. These two bodies require experience as well as training.

Plumbing Plan Certifiers may qualify under an accreditation scheme administered by the Institution of Engineers, Australia or be licensed in the ACT as both a sanitary plumber and an advanced sanitary drainer. These are kinds of licence under subsection 25 (1) of the Plumbers Drainers and Gasfitters Board Act. They cover different areas of work but it is common for an individual to hold both. A person licensed as a plumber and drainer must also have passed a course in backflow prevention. Backflow prevention is a significant part of the requirements of the National Plumbing and Draining Code called up under Regulations 14A and 97A of the Canberra Sewerage and Water Supply Regulation but is not part of the basic training of plumbers and drainers. The Canberra Institute of Technology and other training bodies provide a short course in the requirements. Applicants licensed as plumbers and drainers must have experience after their training. The experience is not required for licensing.