



Australian Capital Territory

Regulations

Subordinate Law No. 38 of 1998¹

The Australian Capital Territory Executive makes the following Regulations under the *Construction Practitioners Registration Act 1998*.

Dated 16 December 1998.

BRENDAN SMYTH
Minister

GARY HUMPHRIES
Minister

1. Citation

These Regulations may be cited as the *Regulations*.

2. Commencement

These Regulations commence on the day on which section 3 of the Act commences.

3. Interpretation

In these Regulations, unless the contrary intention appears—

“Act” means the *Construction Practitioners Registration Act 1998*;

“Register” means the register established and maintained by the Chief Executive under subsection 11 (1) of the Act;

“registration” means registration under the Act;

“renewal statement” means a statement required to be given to the Chief Executive under paragraph 10 (1) (a) of the Act.

4. Construction work and prescribed law

(1) For the purposes of the definition of “construction work” in subsection 3 (1) of the Act, the following types of work, being work to which a prescribed law applies, are prescribed work:

- (a) work on a hot water supply service;
- (b) work on a sanitary drainage system;
- (c) work on a sanitary plumbing system;
- (d) work on a water service.

(2) For the purposes of the definition of “prescribed law” in subsection 3 (1) of the Act, the *Canberra Sewerage and Water Supply Regulations* are prescribed.

(3) In this regulation—

“hot water supply service”, “sanitary drainage system”, “sanitary plumbing system” and “water service” have the same respective meanings as they have in the *Canberra Sewerage and Water Supply Regulations*.

5. Insurance

(1) For the purposes of subsection 3 (2) of the Act, the prescribed kind of insurance in relation to a registered construction practitioner who is registered as a Principal Building Surveyor or a Building Surveyor is professional indemnity insurance that provides the following:

- (a) a minimum limit of indemnity of \$1,000,000 per year;
- (b) a minimum limit of indemnity of \$1,000,000 in relation to any 1 claim;
- (c) at least 1 automatic reinstatement of indemnity;

- (d) a run-off provision continuing the indemnity for 10 years after the registered construction practitioner ceases to be insured by the provider of the insurance;
 - (e) a maximum excess of \$5,000 in relation to any 1 claim.
- (2) A run-off provision under paragraph (1) (d) shall not require the registered construction practitioner at the time of cessation of insurance—
- (a) to apply for the indemnity; or
 - (b) to pay an additional premium for the indemnity.
- (3) For the purposes of subsection 3 (2) of the Act, the prescribed kind of insurance in relation to a registered construction practitioner who is registered as a Plumbing Plan Certifier is—
- (a) in the case of a construction practitioner who is registered by The Institution of Engineers, Australia on the National Professional Engineers Register—professional indemnity insurance providing a minimum limit of indemnity of \$1,000,000 per year; or
 - (b) in any other case—public liability insurance providing a minimum limit of indemnity of \$1,000,000 per year.

6. Categories of registration

A category of registration set out in column 2 of the Schedule is a category of registration for the purposes of section 4 of the Act.

7. Application for registration

- (1) For the purposes of paragraph 5 (2) (e) of the Act, an application for registration shall contain the following information in relation to the applicant:
- (a) full name;
 - (b) date of birth;
 - (c) residential address;
 - (d) business address;
 - (e) postal address;
 - (f) business telephone number;
 - (g) if employed in work involving construction work—the name of the employer;
 - (h) if practising in a partnership involved in construction work—the name, if any, of the partnership;

- (i) if practising work involving construction work on his or her own account—any business name used;
 - (j) details of any relevant training completed or undertaken;
 - (k) details of any relevant experience.
- (2) For the purposes of paragraph 5 (2) (f) of the Act, an application for registration shall be accompanied by the following documents:
- (a) if the applicant has not been convicted of an offence involving fraud or dishonesty—a statement to that effect;
 - (b) if the applicant has been convicted of an offence involving fraud or dishonesty—a statement setting out details of the convictions;
 - (c) documents evidencing any relevant training the applicant has completed or undertaken;
 - (d) documents evidencing any relevant experience of the applicant.

8. Qualifications for registration

For the purposes of section 6 of the Act, the qualifications required in respect of a category of registration are the qualifications described in column 3 of the Schedule in the item that relates to that category of registration.

9. Annual renewal statement

For the purposes of paragraph 10 (1) (a) of the Act, a renewal statement shall contain the following particulars in relation to the applicant:

- (a) full name;
- (b) residential address;
- (c) business address;
- (d) postal address;
- (e) business telephone number;
- (f) if employed in work involving construction work—the name of the employer;
- (g) if practising in a partnership involved in construction work—the name, if any, of the partnership;
- (h) if practising work involving construction work on his or her own account—any business name used;

- (i) if the applicant has not been convicted of an offence involving fraud or dishonesty since the day of registration or lodgment of the last renewal statement, whichever is the later—a statement to that effect;
- (j) if the applicant has been convicted of an offence involving fraud or dishonesty since the day of registration or lodgment of the last renewal statement, whichever is the later—a statement setting out details of the convictions.

10. Register of construction practitioners

For the purposes of subparagraph 11 (2) (a) (i) of the Act, the Register shall contain the following particulars in relation to each registration of each construction practitioner in so far as they are known to the Chief Executive:

- (a) the full name of the practitioner;
- (b) an address at which the practitioner may be contacted during business hours;
- (c) a postal address for the practitioner;
- (d) a telephone number at which the practitioner may be contacted during business hours;
- (e) if the practitioner is employed in work involving construction work—the name of the employer;
- (f) if the practitioner is practising in a partnership involved in construction work—the name, if any, of the partnership;
- (g) if the practitioner is practising work involving construction work on his or her own account—any business name used;
- (h) each category of registration for which the practitioner is registered;
- (i) where the registration or any category of the registration has been cancelled—the date of the cancellation;
- (j) where the registration or any category of the registration has been suspended—the dates of commencement and termination of the suspension;
- (k) any condition imposed on the registration;
- (l) the date on which the registration was granted;

- (m) the name of each insurer of the practitioner who provides insurance referred to in subsection 3 (2) of the Act.
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SCHEDULE

Regulations 6 and 8

CATEGORIES AND QUALIFICATIONS OF REGISTERED CONSTRUCTION PRACTITIONERS

Item	Category	Qualifications
1	Principal Building Surveyor	Either of the following: (1) Registration by The Institution of Engineers, Australia on the National Professional Engineers Register in the area of practice of “Principal Certifier—Building” or (2) Accreditation as a Building Surveyor by the Building Surveyors and Allied Professions Accreditation Board Incorporated
2	Building Surveyor	Accreditation as an Assistant Building Surveyor by the Building Surveyors and Allied Professions Accreditation Board Incorporated
3	Plumbing Plan Certifier	Either of the following: (1) (a) Registration by The Institution of Engineers, Australia on the National Professional Engineers Register in the area of practice of “building services”; and (b) Statement of competency in hydraulic systems from The Institution of Engineers, Australia; or (2) (a) Sanitary plumber’s licence under the <i>Plumbers, Drainers and Gasfitters Board Act 1982</i> ; (b) Advanced sanitary drainer’s licence under the <i>Plumbers, Drainers and Gasfitters Board Act 1982</i> ; (c) Statement evidencing satisfactory completion of the course titled “Backflow Prevention” offered by the Canberra Institute of Technology or an equivalent course; and (d) After the grant of the licences referred to in (a) and (b), 3 years’ experience as a sanitary plumber or advanced sanitary drainer

NOTE

Notification

1. Notified in the ACT Gazette on 18 December 1998.

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