



Australian Capital Territory

Construction Practitioners Registration Regulations 1998 No 38

made under the

Construction Practitioners Registration Act 1998

Republication No 1

Republication date: 5 August 2002

Last amendment made by Act 2001 No 44

Amendments incorporated to 12 September 2001

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Construction Practitioners Registration Regulations 1998*, made under the *Construction Practitioners Registration Act 1998*, including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes), as in force on 5 August 2002. It also includes any amendment, repeal or expiry affecting the republished law to 12 September 2001.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to
12 September 2001



Australian Capital Territory

Construction Practitioners Registration Regulations 1998

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Construction Practitioners Registration Act 1998

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Amendments incorporated to
12 September 2001



Australian Capital Territory

Construction Practitioners Registration Regulations 1998

made under the

Construction Practitioners Registration Act 1998

1 Name of regulations

These regulations are the *Construction Practitioners Registration Regulations 1998*.

3 Definitions for regulations

In these regulations:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

register means the register established and maintained by the chief executive under the Act, section 11 (1).

registration means registration under the Act.

renewal statement means a statement required to be given to the chief executive under the Act, section 10 (1) (a).

4 Construction work and prescribed law

- (1) For the Act, section 3 (1), definition of **construction work**, 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 Act, section 3 (1), definition of **prescribed law**, the *Water and Sewerage Act 2000* and the *Water and Sewerage Regulations 2000* are prescribed.

- (3) In this regulation:

hot water supply service—see Australian Standard 3500 as in force on 1 March 1999.

sanitary drainage system—see Australian Standard 3500 as in force on 1 March 1999.

sanitary plumbing system—see Australian Standard 3500 as in force on 1 March 1999.

water service—see Australian Standard 3500 as in force on 1 March 1999.

5 Insurance for practitioners registered as building surveyors

- (1) For the Act, section 3A, this regulation prescribes the particulars of insurance to be held by a person who is, or is applying to be, registered as a principal building surveyor or building surveyor, for the person to be covered by insurance.
- (2) The insurance must be professional indemnity insurance that—
 - (a) is taken out with an insurer approved in writing by the chief executive; and
 - (b) provides indemnity against claims for breach of professional duty as a certifier.
- (3) The insurance must provide—
 - (a) a minimum limit of indemnity of \$1 000 000 for any 1 claim against the insured; and
 - (b) a minimum limit of indemnity of \$1 000 000 for the total of all claims against the insured made in the period of cover; and
 - (c) if the limit of indemnity for all claims against the insured made during the period of cover is exceeded, a right to reinstatement of the cover provided by the policy with a limit of indemnity of not less than \$1 000 000 for the total of all further claims made during the period of cover; and
 - (d) in addition to the indemnities mentioned in paragraphs (a), (b) and (c)—a minimum limit of indemnity for the costs and

expenses, incurred by the insured with the consent of the insurer, of defending or settling a claim of 20% of the limit of indemnity for the claim; and

- (e) a run-off provision that, subject to this regulation, continues all indemnities for 10 years after the insured ceases to be covered by insurance if the insured ceases to practise as a certifier during or at the expiry of the period of insurance.
- (4) Insurance does not fail to comply with subregulation (3) only because it requires the insured to bear an excess at the insured's risk that does not exceed \$5 000 in relation to any 1 claim.
- (5) Despite subregulation (3) (e), insurance does not fail to comply with subregulation (3) merely because the terms of the relevant policy provide that the run-off cover may cease—
- (a) for insurance provided under a scheme for the provision of professional indemnity insurance—if insurance stops being provided under the scheme on a day that is—
 - (i) at least 3 months after the insurer has given to the insured written notice of the insurer's intention to stop providing the insurance; and
 - (ii) on or after the next anniversary of the start of the scheme after the written notice is given; or
 - (b) if the insurer intends to stop carrying on the business of providing professional indemnity insurance for registered construction practitioners on a day that is—
 - (i) at least 3 months after the insurer has given to the insured written notice of the insurer's intention to stop providing the insurance; and
 - (ii) on or after the next anniversary of the start of the insurance after the written notice is given; or
 - (c) on or after a day the insurance is lawfully cancelled; or

- (d) on or after a day the insurer stops trading as insurer; or
 - (e) if, during the period of effectiveness of the run-off provision, the insured becomes again covered by professional indemnity insurance that complies with this regulation.
- (6) A run-off provision mentioned in paragraph (3) (e) must not require the insured, at the time of cessation of registration—
- (a) to apply for the run-off cover; or
 - (b) to pay an additional premium for it.

5A Insurance for practitioners registered as plumbing plan certifiers

For the Act, section 3A, the insurance to be held by a person who is, or is applying to be, registered as a plumbing plan certifier must be professional indemnity insurance that provides—

- (a) indemnity against claims for breach of professional duty as a certifier; and
- (b) a minimum limit of liability of \$1 000 000 for each period of insurance.

6 Categories of registration

A category of registration set out in schedule 1, column 2 is a category of registration for the Act, section 4.

7 Application for registration

- (1) For the Act, section 5 (2) (e), 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 Act, section 5 (2) (f), 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 Act, section 6, the qualifications required in relation to a category of registration are the qualifications described in schedule 1, column 3 in the item that relates to that category of registration.

9 Annual renewal statement

For the Act, section 10 (1) (a), 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 Act, section 11 (2) (a) (i), the register shall contain the following particulars in relation to each registration of each construction practitioner so far as they are known, to the chief executive:

- (a) the full name of the practitioner;

- (b) an address where 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) if the registration or any category of the registration has been cancelled—the date of the cancellation;
- (j) if the registration or any category of the registration has been suspended—the dates of beginning and ending of the suspension;
- (k) any condition imposed on the registration;
- (l) the date when the registration was granted;
- (m) the name of each insurer of the practitioner who provides insurance referred to in the Act, section 3 (2).

Schedule 1 Categories and qualifications of registered construction practitioners

(see reg 6 and reg 8)

| column 1 item | column 2 category | column 3 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’ (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; |

Schedule 1

Categories and qualifications of registered construction practitioners

| column 1 item | column 2 category | column 3 qualifications |
|------------------|----------------------|--|
| | | (2) (a) sanitary plumber's licence under the <i>Plumbers, Drainers and Gasfitters Board Act 1982</i> ; and |
| | | (b) advanced sanitary drainer's licence under the <i>Plumbers, Drainers and Gasfitters Board Act 1982</i> ; and |
| | | (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 |

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

| | |
|---|---|
| am = amended | ord = ordinance |
| amdt = amendment | orig = original |
| ch = chapter | p = page |
| cl = clause | par = paragraph |
| def = definition | pres = present |
| dict = dictionary | prev = previous |
| disallowed = disallowed by the Legislative Assembly | (prev...) = previously |
| div = division | prov = provision |
| exp = expires/expired | pt = part |
| Gaz = Gazette | r = rule/subrule |
| hdg = heading | reg = regulation/subregulation |
| IA = Interpretation Act 1967 | renum = renumbered |
| ins = inserted/added | reloc = relocated |
| LA = Legislation Act 2001 | R[X] = Republication No |
| LR = legislation register | s = section/subsection |
| LRA = Legislation (Republication) Act 1996 | sch = schedule |
| mod = modified / modification | sdiv = subdivision |
| No = number | sub = substituted |
| num = numbered | SL = Subordinate Law |
| o = order | <u>underlining</u> = whole or part not commenced or to be expired |
| om = omitted/repealed | |

Endnotes

3 Legislation history

3 **Legislation history**

These regulations were originally the *Construction Practitioners Registration Regulations*. They were renamed as the *Construction Practitioners Registration Regulations 1998* by the *Construction Practitioners Registration Regulations Amendment 2001* No 4 (see reg 3).

Construction Practitioners Registration Regulations 1998 No 38

notified 18 December 1998 (Gaz 1998 No S214)

commenced 18 December 1998 (reg 2 and see Gaz 1998 No S213)

as amended by

Utilities (Consequential Provisions) Act 2000 No 66 sch 2 pt 2

notified 20 December 2000 (Gaz 2000 No S68)

s 1, s 2 commenced 20 December 2000 (IA s 10B)

sch 2 pt 2 commenced 1 January 2001 (s 2 (1) and Gaz 2000 No S69)

Construction Practitioners Registration Regulations Amendment 2001 No 4

notified 15 February 2001 (Gaz 2001 No 7)

reg 1 commenced 15 February 2001 (IA s 10B)

remainder commenced 15 February 2001 (reg 1 and see Gaz 2001 No 7)

Legislation (Consequential Amendments) Act 2001 No 44 pt 74

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 74 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

4 **Amendment history**

Name of regulations

reg 1 sub 2001 No 4 reg 3

Commencement

reg 2 om Act 2001 No 44 amdt 1.798

Definitions for regulations

reg 3 def **Act** om Act 2001 No 44 amdt 1.799

Construction work and prescribed law

reg 4 am Act 2000 No 66 sch 2 pt 2

Insurance for practitioners registered as building surveyors

reg 5 sub 2001 No 4 reg 4

Insurance for practitioners registered as plumbing plan certifiers

reg 5A ins 2001 No 4 reg 4

Categories and qualifications of registered construction practitioners

sch 1 (prev sch) renum R1 LA

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