



Australian Capital Territory

Construction Practitioners Registration Regulations 1998 No 38

made under the

Construction Practitioners Registration Act 1998

Republication No 4

Effective: 9 June 2003 – 31 August 2004

Republication date: 9 June 2003

Last amendment made by A2003-19

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 9 June 2003. It also includes any amendment, repeal or expiry affecting the republished law to 9 June 2003.

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 does not include 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.



Australian Capital Territory

Construction Practitioners Registration Regulations 1998

made under the

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R4
09/06/03

Construction Practitioners Registration
Regulations 1998
Effective: 09/06/03-31/08/04

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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 provides—
 - (a) indemnity against claims for breach of professional duty as a certifier; and
 - (b) a minimum limit of indemnity of \$1 000 000 for any 1 claim; and
 - (c) 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
 - (d) in addition to the indemnities mentioned in paragraphs (b) and (c), a minimum limit of indemnity for the costs and expenses of defending or settling a claim of 20% of the limit of indemnity for the claim.

- (3) A person applying to be registered as a principal government building surveyor or government building surveyor, who is not registered, or applying to be registered, in another category, is taken to be covered by insurance for this Act, whether or not the person holds insurance mentioned in subregulation (2).
- (4) A person registered as a principal government building surveyor or government building surveyor, who is not registered, or applying to be registered, in another category, is taken to be covered by insurance for this Act when the person is doing work as a government certifier, whether or not the person holds insurance mentioned in subregulation (2).
- (5) In this regulation:

costs and expenses, for subregulation (2) (d), means costs and expenses incurred with the insurer's consent.

government certifier—see the *Building Act 1972*, section 29A.

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) for a construction practitioner who is not a principal government building surveyor or government building surveyor, the name of each insurer of the practitioner who provides insurance mentioned in the Act, section 3A.

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 Australian Institute of Building Surveyors (ACN 004 540 836)
2	building surveyor	accreditation as an assistant building surveyor by the Australian Institute of Building Surveyors (ACN 004 540 836)
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
4	principal government 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 Australian Institute of Building Surveyors (ACN 004 540 836)

column 1 item	column 2 category	column 3 qualifications
5	government building surveyor	accreditation as an assistant building surveyor by the Australian Institute of Building Surveyors (ACN 004 540 836)

Endnotes

1 About the endnotes

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	RI = reissue
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

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)

Construction Practitioners Registration Amendment Regulations 2002 (No 1) SL2002-25

notified LR 17 September 2002

reg 1, reg 2 commenced 17 September 2002 (LA s 75 (1))

remainder commenced 18 September 2002 (reg 2)

Endnotes

4 Amendment history

Construction Practitioners Registration Amendment Regulations 2002 (No 2) SL2003-2

notified LR 16 January 2003
reg1, reg 2 commenced 16 January 2002 (LA s 75 (1))
remainder commenced 17 January 2002 (reg 2)

Construction Practitioners Legislation Amendment Act 2003 A2003-19 pt 4

notified LR 19 May 2003
s 1, s 2 commenced 19 May 2003 (LA s 75 (1))
pt 4 commenced 9 June 2003 (s 2 and CN2003-5)

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
am 2002 No 25 reg 4; A2003-19 s 12

Insurance for practitioners registered as plumbing plan certifiers

reg 5A ins 2001 No 4 reg 4

Register of construction practitioners

reg 10 am 2002 No 25 reg 5; A2003-19 s 13

Categories and qualifications of registered construction practitioners

sch 1 (prev sch) renum R1 LA
am SL2003-2 reg 4; A2003-19 s 14

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 2001 No 44	5 August 2002
2	SL2002-25	18 September 2002
3	SL2003-2	17 January 2003

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