

Building Amendment Regulations

Exposure Draft

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Victoria

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1 Objectives

The objectives of these Regulations are to amend the Building Regulations 2006 to—

- (a) prescribe information to accompany an application for registration as a building practitioner relating to the character of the applicant;
- (b) prescribe the form of notices relating to suspension and cancellation of registration as a building practitioner;
- (c) prescribe qualifications for registration in the category of building surveyor (limited); and
- (d) update references in relation to qualifications for registration of certain other categories and classes of building practitioners.

2 Authorising provisions

These Regulations are made under sections 261 and 262 of the **Building Act 1993**.

3 Commencement

These Regulations come into operation on 1 September 2009.

4 New regulation 1509 inserted

After regulation 1508 of the Building Regulations 2006¹ insert—

"1509 Prescribed information as to character of applicant for registration

For the purposes of section 169(2)(ca) of the Act, the prescribed information relating to character to be provided with an application for registration as a building practitioner is whether—

- (a) the applicant has within the last 10 years as an adult or the last 5 years as a child, been convicted or found guilty of an indictable offence or an offence that, if committed in Victoria, would be an indictable offence involving fraud, dishonesty, drug trafficking or violence; or
- (b) the applicant has ever been insolvent under administration; or
- (c) any licence, permit, registration or other authority enabling the applicant to work as a building practitioner in Victoria or in an equivalent occupation in the building and construction industry in another State or Territory has ever been cancelled or suspended; or

- (d) the applicant has ever been disqualified from holding, or been refused a licence, permit, registration or other authority enabling the applicant to work as a building practitioner in Victoria or in an equivalent occupation in the building and construction industry in another State or Territory; or
- (e) the applicant has been fined, reprimanded or cautioned for any breach of an Act, regulations, rules, professional conduct or code of ethics, in relation to working as a building practitioner in Victoria or in an equivalent occupation in the building and construction industry in another State or Territory; or
- (f) any insurer has ever declined, cancelled, or imposed special conditions in relation to the provision of professional indemnity insurance, public liability insurance, or any other indemnity insurance in respect of the applicant working as a building practitioner in Victoria or in an equivalent occupation in the building and construction industry in another State or Territory."

5 New regulations 1510 and 1511 inserted

After regulation 1509 of the Building Regulations 2006 insert—

"1510 Notice of suspension

For the purposes of section 178(6) of the Act, a notice of suspension of registration must be in the form of Form 7A.

1511 Notice of suspension or cancellation

For the proposes of section 182(4) of the Act, a notice of cancellation or suspension of registration must be in the form of Form 8."

6 Qualifications

For the Table in Schedule 7 to the Building Regulations 2006 **substitute**—

"TABLE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Category/prescribed class of building practitioner</i>	<i>Prescribed qualifications</i>
1	Category of building surveyor (unlimited)	(a) a degree in building surveying from a university within the meaning of the Education and Training Reform Act 2006 ; and (b) 3 years of practical experience to the satisfaction of the Board
2	Category of building surveyor (limited)	(a) an advanced diploma in building surveying from a course accredited under the Education and Training Reform Act 2006 ; and

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Category/prescribed class of building practitioner</i>	<i>Prescribed qualifications</i>
		(b) 2 years of practical experience to the satisfaction of the Board.
3	Category of building inspector (unlimited)	(a) a diploma of building surveying from a course accredited under the Education and Training Reform Act 2006 ; and (b) 2 years of practical experience to the satisfaction of the Board
4	Category of building inspector (limited)	(a) the following qualifications— (i) a diploma of building surveying from a course accredited under the Education and Training Reform Act 2006 ; and

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Category/prescribed class of building practitioner</i>	<i>Prescribed qualifications</i>
		(ii) 2 years of practical experience to the satisfaction of the Board; or
		(b) a certificate issued by the Board, after examination of the applicant, certifying that the applicant has adequate knowledge and experience to inspect the classes and types of buildings or the components of building work specified in the certificate
5	Category of quantity surveyor	(a) a degree or diploma in quantity surveying from a university within the meaning of the Education and Training Reform Act 2006 ; and (b) 2 years of practical experience to the satisfaction of the Board

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Category/prescribed class of building practitioner</i>	<i>Prescribed qualifications</i>
6	Category of engineer, class of civil engineer	(a) the following qualifications— (i) a degree in civil engineering from a university within the meaning of the Education and Training Reform Act 2006 ; and (ii) 3 years of practical experience to the satisfaction of the Board; or (b) a current certificate of registration as a civil engineer on the National Professional Engineers Register (NPER)

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Category/prescribed class of building practitioner</i>	<i>Prescribed qualifications</i>
7	Category of engineer, class of mechanical engineer	(a) the following qualifications— (i) a degree in mechanical engineering from a university within the meaning of the Education and Training Reform Act 2006 ; and (ii) 3 years of practical experience to the satisfaction of the Board; or (b) a current certificate of registration as a mechanical engineer on the National Professional Engineers Register (NPER)

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Category/prescribed class of building practitioner</i>	<i>Prescribed qualifications</i>
8	Category of engineer, class of electrical engineer	(a) the following qualifications— (i) a degree in electrical engineering from a university within the meaning of the Education and Training Reform Act 2006 ; and (ii) 3 years of practical experience to the satisfaction of the Board; or (b) a current certificate of registration as an electrical engineer on the National Professional Engineers Register (NPER)

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Category/prescribed class of building practitioner</i>	<i>Prescribed qualifications</i>
9	Category of engineer, class of fire safety engineer	<p>(a) the following qualifications—</p> <p>(i) a degree in fire safety engineering from a university within the meaning of the Education and Training Reform Act 2006; and</p> <p>(ii) 3 years of practical experience to the satisfaction of the Board; or</p> <p>(b) a current certificate of registration as a fire safety engineer on the National Professional Engineers Register (NPER)</p>
10	Category of draftsman, class of building design (architectural)	<p>(a) an advanced diploma in building design from a course accredited under the</p>

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Category/prescribed class of building practitioner</i>	<i>Prescribed qualifications</i>
		<p>Education and Training Reform Act 2006; and</p> <p>(b) 1 year of practical experience to the satisfaction of the Board</p>
11	Category of draftsman, class of building design (interior)	<p>(a) an associate diploma of arts—interior design from a course accredited under the Education and Training Reform Act 2006; and</p> <p>(b) 1 year of practical experience to the satisfaction of the Board</p>
12	Category of draftsman, class of building design (services)	<p>(a) one of the following qualifications—</p> <p>(i) an associate diploma of engineering drafting—civil, electrical or mechanical; or</p>

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Category/prescribed class of building practitioner</i>	<i>Prescribed qualifications</i>
13	Category of builder, class of commercial builder (unlimited)	<ul style="list-style-type: none"> (ii) a certificate IV, diploma or advanced diploma in fire technology from a course accredited under the Education and Training Reform Act 2006; and (b) 1 year of practical experience to the satisfaction of the Board (a) the following qualifications— <ul style="list-style-type: none"> (i) a degree, diploma or associate diploma of building from a university or TAFE institute within the meaning of the Education and Training Reform Act 2006; and

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Category/prescribed class of building practitioner</i>	<i>Prescribed qualifications</i>
		<ul style="list-style-type: none"> (ii) 3 years of practical experience to the satisfaction of the Board; or (b) the following qualifications— <ul style="list-style-type: none"> (i) a certificate of successful completion of the "Course in Builder Registration (BPB)" accredited under the Education and Training Reform Act 2006; and (ii) 3 years of practical experience to the satisfaction of the Board

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Category/prescribed class of building practitioner</i>	<i>Prescribed qualifications</i>
14	Category of builder, class of commercial builder (limited)	a certificate issued by the Board, after examination of the applicant, certifying that the applicant has adequate knowledge and experience to construct the components of building work specified in the certificate
15	Category of builder, class of domestic builder (unlimited)	(a) the following qualifications— (i) a degree, diploma or associate diploma of building from a university or TAFE institute within the meaning of the Education and Training Reform Act 2006 ; and (ii) 3 years of practical experience to the satisfaction of the Board; or

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Category/prescribed class of building practitioner</i>	<i>Prescribed qualifications</i>
		(b) the following qualifications—
		(i) successful completion of the "Course in Builder Registration (BPB)" accredited under the Education and Training Reform Act 2006 ; and
		(ii) 3 years of practical experience to the satisfaction of the Board;
16	Category of builder, class of domestic builder (limited)	a certificate issued by the Board, after examination of the applicant, certifying that the applicant has adequate knowledge and experience to carry out, manage or arrange to carry out the components of domestic building work specified in the certificate

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Category/prescribed class of building practitioner</i>	<i>Prescribed qualifications</i>
17	Category of builder, class of domestic builder (manager)	a certificate issued by the Board, after examination of the applicant, certifying that the applicant has adequate knowledge and experience (including financial management knowledge and experience) to manage or arrange the carrying out by a builder registered under the Act in another class of domestic builder of the components of domestic building work specified in the certificate
18	Category of builder, class of demolisher (low rise buildings)	a certificate issued by the Board, after examination of the applicant, certifying that the applicant has adequate knowledge and experience to— (a) demolish buildings having a rise in storeys of not more than 2, excluding special buildings; and

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Category/prescribed class of building practitioner</i>	<i>Prescribed qualifications</i>
19	Category of builder, class of demolisher (medium rise buildings)	<p>(b) undertake demolition stripping work of not more than 2 storeys of any unoccupied building</p> <p>a certificate issued by the Board, after examination of the applicant, certifying that the applicant has adequate knowledge and experience to—</p> <p>(a) demolish buildings having a rise in storeys of not more than 5, excluding special buildings; and</p> <p>(b) undertake demolition stripping of any building</p>
20	Category of builder, class of demolisher (unlimited)	<p>a certificate issued by the Board, after examination of the applicant, certifying that the applicant has adequate knowledge and experience to demolish all buildings including the demolition of special buildings and stripping work</p>

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Category/prescribed class of building practitioner</i>	<i>Prescribed qualifications</i>
21	Category of erector or supervisor (temporary structures), class 1—stages or seating stands or equipment platforms or towers fabricated on site from tubes and fittings or other scaffolding components of metals and other materials	(a) an intermediate scaffolding licence issued under the Occupational Health and Safety Regulations 2007; and (b) 1 year of practical experience to the satisfaction of the Board
22	Category of erector or supervisor (temporary structures), class 2—special structures—tents, marquees	(a) a certificate issued by the Board, after examination of the applicant, certifying that the applicant has adequate knowledge and experience to erect or dismantle or supervise the erection or the dismantling of tents and marquees; and (b) 2 years of practical experience to the satisfaction of the Board

7 New regulation 2003 inserted

After regulation 2002 of the Building Regulations 2006 **insert—**

"2003 Transitional provisions—Building Amendment Regulations 2009

- (1) The substitution of the Table in Schedule 7 by regulation 6 of the Building Amendment Regulations 2009 does not affect the registration under Part 11 of the Act of any building practitioner who was registered under that Part immediately before the commencement day.
- (2) A person who within 3 years before the commencement day had been awarded, or who before the commencement day had commenced study in a course leading to, the qualification for the category or class of building practitioner referred to in item 2, 9 or 20 of the Table in Schedule 7 as in force immediately before that day is taken to hold, or on being awarded that qualification is taken to hold, the appropriate prescribed qualification (as the case requires) for the purposes of section 170(1)(b)(i) of the Act for registration in that category or class of building practitioner.
- (3) In this regulation *commencement day* means the day that regulation 6 of the Building Amendment Regulations 2009 comes into operation."

8 New Form 7A inserted

After Form 7 in Schedule 2 to the Building Regulations 2006 **insert—**

"FORM 7A

Regulation 1510

Building Act 1993

Building Regulations 2006

**NOTICE OF SUSPENSION OF REGISTRATION
UNDER SECTION 178(6)**

I [*insert name*] do hereby give notice that on [*insert date*] my registration as a building practitioner in the category of [*insert registration category*] class of [*insert registration class*] was suspended by the Building Practitioners Board prior to an inquiry.

Under section 146(2) of the **Building Act 1993**, the suspension of my registration became immediately effective on the date of the decision of the Building Practitioners Board. Under section 175 of the **Building Act 1993**, while suspended I am deemed to not be registered.

I have the right to appeal against the Building Practitioners Board decision to suspend my registration prior to an inquiry. The Building Appeals Board can affirm the decision under appeal, quash the decision under appeal, vary the decision under appeal or set aside the decision under appeal and either substitute its own decision or send it back to the Building Practitioners Board for reconsideration.

The Building Practitioners Board will undertake an inquiry into my conduct at a date yet to be determined. If, as a result of the inquiry, the Building Practitioners Board confirms my suspension or cancels my registration, I will have a right of appeal against that decision.

At the end of the period for making an appeal or if the Building Appeals Board affirms the decision of the Building Practitioners Board, I am required by section 182(4) of the **Building Act 1993** to provide you with further notice of the cancellation or suspension of my registration.

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Signature of building practitioner

Date

_____".

9 New Form 8 substituted

For Form 8 in Schedule 2 to the Building Regulations 2006 **substitute**—

"FORM 8

Regulation 1511

Building Act 1993

Building Regulations 2006

**NOTICE OF SUSPENSION OR CANCELLATION OF
REGISTRATION UNDER SECTION 182(4)**

I [*insert name*] do hereby give notice that on [*insert date*] my registration as a building practitioner in the category of [*insert registration category*] class of [*insert registration class*] was *suspended/cancelled by the Building Practitioners Board.

Under section 146 of the **Building Act 1993**, my *suspension/cancellation of registration did not come into effect until the end of the period for making an appeal or where I chose to lodge an appeal against the decision of the Building Practitioners Board, the Building Appeals Board affirmed the decision.

On [*insert date*] my *suspension/cancellation of registration formally came into effect and therefore under section 182(4) of the **Building Act 1993**, I am required to give you notice of *my suspension/cancellation of registration.

*delete whichever is not applicable.

Signature of building practitioner

Date

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Note

Under section 175 of the **Building Act 1993**, while suspended a building practitioner is deemed to not be registered."

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ENDNOTES

¹ Reg. 4: S.R. No. 68/2006 as amended by S.R. Nos 136/2006, 115/2007, 126/2008 and 25/2009.