

NORTHERN TERRITORY OF AUSTRALIA

*Building Act*

DETERMINATIONS RELATING TO BUILDING PRACTITIONERS

I, CHRISTOPHER BRUCE BURNS, the Minister for Planning and Lands:

- (a) under the *Building Act* and with reference to section 43 of the *Interpretation Act*, revoke the Determinations Relating to Building Practitioners dated 14 December 2005 and published in *Gazette* No. G51 of 21 December 2005, as amended; and
- (b) under section 24G(1) of the *Building Act*, determine the matters set out in Part 1 of the Schedule; and
- (c) under section 24G(3) of the *Building Act*, determine the matters set out in Part 2 of the Schedule.

Dated

31/8/06

  
Minister for Planning and Lands

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## SCHEDULE

### PART 1 – DETERMINATION OF QUALIFICATIONS AND EXPERIENCE FOR REGISTRATION AS A BUILDING PRACTITIONER

#### *Division 1 – Category of building contractor*

1. For section 24B(1)(b) of the Act, the qualifications and experience for registration as a building practitioner in a sub-category of the category of building contractor specified in a clause in this Division are set out in the clause.
2. Building contractor residential (restricted)
  - 2.1 One of the following:
    - (a) successful completion of the following units for a Certificate IV in Building:

ABC001	Construction 1
ABC002	Construction 2
ABC005	Materials 1
ABC061	Builders Working Drawings 1
ABC064	Building Computer Applications
ABC069	Cost Control and Planning 1
ABC076	Building Quantities and Estimating 1
ABC077	Building Quantities and Estimating 2
ABC082	Building Site Supervision
ABC083	Building Site Surveying and Set Out 1
ABC086	Structures 1
ABC091	Business Management for Building 1A
ABC092	Business Management for Building 1B
ABC102	Residential Site Safety
ABC105	Timber Framing Code;
    - (b) successful completion of a course, or units of a course, that, in the opinion of the Practitioners Board, is at least equivalent to the requirements referred to in paragraph (a);
    - (c) a statement of attainment of competency equivalent to the Certificate IV in Building units specified in paragraph (a) issued by a registered training organisation within the meaning of the *Northern Territory Employment and Training Act*.

2.2 At least 3 years' practical experience in carrying out relevant (restricted) building work.

2.3 If the application is lodged within 2 months after the date of this determination – as an alternative to subclauses 2.1 and 2.2, one of the following:

(a) at least 3 years' practical experience in the building industry, including, during the 3 years immediately before the date of the application for registration, principal responsibility for 3 building projects:

(i) that involved carrying out relevant (restricted) building work; and

(ii) for which an occupancy permit has been issued;

(b) practical experience that, in the opinion of the Practitioners Board, is equivalent to the experience referred to in paragraph (a).

2.4 Net tangible assets of at least \$50 000, as certified by an accountant, or other evidence the Practitioners Board is satisfied shows the applicant has the equivalent financial capacity to carry out work as a building contractor.

2.5 In this clause:

"relevant (restricted) building work" means building work for which a building contractor residential (restricted) is a prescribed building contractor under regulation 41B(1) of the Regulations.

### 3. Building contractor residential (unrestricted)

3.1 The qualifications and experience specified in subclause 2.1.

3.2 At least 3 years' practical experience in carrying out relevant (unrestricted) building work.

3.3 If the application is lodged within 2 months after the date of this determination – as an alternative to subclauses 3.1 and 3.2, one of the following:

(a) at least 3 years' practical experience in the building industry, including, during the 3 years immediately before the date of the application for registration, principal responsibility for 3 building projects:

- (i) that involved carrying out relevant (unrestricted) building work; and
  - (ii) for which an occupancy permit has been issued;
- (b) practical experience that, in the opinion of the Practitioners Board, is equivalent to the experience referred to in paragraph (a).

3.4 If the applicant is currently registered as a building practitioner in the category of building contractor residential (restricted) – as an alternative to subclauses 3.1 and 3.2:

- (a) the applicant has demonstrated that the applicant has had:
  - (i) principal responsibility for the design and construction of at least one building:
    - (A) that involved carrying out relevant (unrestricted) building work; and
    - (B) for which the relevant building permits were granted before 3 July 2006; and
    - (C) for which an occupancy permit has been granted; or
  - (ii) under the supervision of a registered building contractor residential (unrestricted) – substantial personal involvement in, and responsibility for the design and construction of at least one building:
    - (A) that involved carrying out relevant (unrestricted) building work; and
    - (B) for which an occupancy permit has been granted; and
- (b) if paragraph (a)(ii) applies – the level of involvement and responsibility on the part of the applicant has been confirmed in writing by the registered building contractor residential (unrestricted) who supervised the works; and
- (c) at least 3 independent references have been provided in regard to the applicant's knowledge and understanding of multi storey construction, including, as a minimum, references from the project architect/designer, the structural engineer and the building certifier who were directly involved in the construction phase of the project; and

- (d) the applicant is able to demonstrate to the satisfaction of the Board that he has a comprehensive working knowledge and understanding of the regulatory and technical issues associated with the construction of buildings of more than 2 storeys, including the relevant requirements of the Building Code of Australia.
- 3.5 Net tangible assets of at least \$50 000, as certified by an accountant, or other evidence the Practitioners Board is satisfied shows the applicant has the equivalent financial capacity to carry out work as a building contractor.
- 3.6 In this clause:
- "relevant (unrestricted) building work" means building work for which a building contractor residential (unrestricted) is a prescribed building contractor under regulation 41C(1) of the Regulations;
- "substantial personal involvement in, and responsibility for the design and construction", of a building, means a level of involvement and responsibility that precludes 2 persons being able to demonstrate that level of involvement and responsibility for the same building.

*Division 2 – Other categories of building practitioners*

4. For section 24(1)(b), (2)(b) and (3)(b) of the Act, the qualifications and experience for registration as a building practitioner in a category of building practitioner specified in a clause in this Division are set out in the clause.
5. Building certifier (residential)
- 5.1 A degree or other educational qualification required for accreditation as a building surveyor by the Australian Institute of Building Surveyors.
- 5.2 At least 3 years' practical experience in building surveying of buildings of Classes 1 and 10 as specified under the classification under Part A3.2 of the Building Code within the meaning of the *Building Regulations* ("Part A3.2 of the Code").

6. Building certifier (unrestricted)
  - 6.1 A degree or other educational qualification required for accreditation as a building surveyor by the Australian Institute of Building Surveyors.
  - 6.2 At least 4 years' practical experience in building surveying of buildings of Classes 1 to 10 as specified under the classification under Part A3.2 of the Code.
7. Certifying architect
  - 7.1 Registration as an architect under the *Architects Act*.
  - 7.2 At least 4 years' practical experience in building surveying of buildings of Classes 1 to 10 as specified under the classification under Part A3.2 of the Code.
8. Certifying plumber and drainer
  - 8.1 A licence as an advanced tradesman in the trades of plumbing and draining issued under the *Plumbers and Drainers Licensing Act*.
9. Certifying plumber and drainer (design)
  - 9.1 At least 5 years' practical experience in the design of plumbing and drainage systems and on-site sewage disposal systems.
10. Certifying engineer (structural)
  - 10.1 One of the following:
    - (a) a degree or other educational qualification required for membership of The Institution of Engineers, Australia as a professional engineer eligible to use the post-nominals "MIEAust";
    - (b) a certificate of registration as a structural engineer on the National Professional Engineers Register ("the NPER").
  - 10.2 In addition to a qualification referred to in subclause 10.1(a), at least 3 years' practical experience in the design and supervision of the construction of structural engineering works for buildings, including –
    - (a) at least 12 months' practical experience in the design of structural engineering works for buildings; and

- (b) at least 12 months' practical experience in the supervision of the construction of structural engineering works for buildings.

11. Certifying engineer (hydraulic)

11.1 One of the following:

- (a) a degree or other educational qualification required for membership of The Institution of Engineers, Australia as a professional engineer eligible to use the post-nominals "MIEAust";
- (b) a certificate of registration as a building services engineer on the NPER.

11.2 In addition to a qualification referred to in subclause 11.1(a), at least 3 years' experience in the design and supervision of the construction of building hydraulic services, including –

- (a) at least 12 months' practical experience in the design of building hydraulic services; and
- (b) at least 12 months' practical experience in the supervision of the construction of building hydraulic services.

12. Certifying engineer (mechanical)

12.1 One of the following:

- (a) a degree or other educational qualification required for membership of The Institution of Engineers, Australia as a professional engineer eligible to use the post-nominals "MIEAust";
- (b) a certificate of registration as a mechanical engineer on the NPER.

12.2 In addition to a qualification referred to in subclause 12.1(a), at least 3 years' practical experience in the design and supervision of the construction of mechanical services in buildings, including –

- (a) at least 12 months' practical experience in the design of mechanical services in buildings; and
- (b) at least 12 months' practical experience in the supervision of the construction of mechanical services in buildings.

*Division 3 – Renewal of registration*

13. For section 24F(1)(b), (2)(b)(i), (3)(b)(i) and (4)(b)(i) of the Act, the qualifications and experience for the renewal of registration as a building practitioner in a category of building practitioner are the qualifications and experience that were required for registration in that category when the applicant for renewal was first registered in the category.
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PART 2 – DETERMINATION OF TYPES AND AMOUNTS OF  
INSURANCE POLICY

14. For sections 24(4) and 24F(5) of the Act, the type and amount of insurance for a category of building practitioner specified in a clause in this Part are set out in the clause.
15. Building certifier (residential)
  - 15.1 Professional indemnity insurance for \$500 000.
16. Building certifier (unrestricted)
  - 16.1 Professional indemnity insurance for \$1 000 000.
17. Certifying architect
  - 17.1 Professional indemnity insurance for \$100 000.
18. Certifying plumber and drainer
  - 18.1 Insurance under a policy of insurance that –
    - (a) relates to building work carried out by a certifying plumber and drainer; and
    - (b) is approved for section 61 of the Act.
19. Certifying plumber and drainer (design)
  - 19.1 Professional indemnity insurance for \$1 000 000.
20. Certifying engineer (structural)
  - 20.1 Professional indemnity insurance for \$1 000 000.
21. Certifying engineer (hydraulic)
  - 21.1 Professional indemnity insurance for \$100 000.
22. Certifying engineer (mechanical)
  - 22.1 Professional indemnity insurance for \$100 000.

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