# Registration of Builders (and related occupations) Reforms - submission template

This submission template is designed to be read in conjunction with the consultation regulatory impact statement *Registration of Builders (and related occupations) Reforms*.

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| **COVER SHEET FOR SUBMISSIONS** **Please complete and submit your submission by 5pm WST on Friday 29 January 2021** |
| Email submissions to: registrationreview@dmirs.wa.gov.au  |
|  |
| Contact name: |  |
| Organisation: |  |
| Position: |  |
| Email: |  |
| Phone:  |  | Mobile:  |  |
| Postal address: |   |
| Length of submission (number of pages, including this cover sheet):  |
| Are you making this submission as: (please select one of the following categories) |
| [ ]  Industry participant | [ ]  Individual | [ ]  Permit Authority |
| [ ]  Community organisation | [ ]  Industry organisation | [ ]  Business |
| [ ]  Other (please specify):  |
| If you are an industry participant or business, what specifically do you or your business do? |
| Approximately how many people work for the business or organisation in WA? |
| [ ]  Fewer than five employees | [ ]  Five to 20 employees | [ ]  21 to 100 employees | [ ]  100+ employees | [ ]  n.a. |
| Do you operate across two or more states or territories? | [ ]  Yes |   |
| Approximately how many people work for the business or organisation interstate? |
| [ ]  Fewer than five employees | [ ]  Five to 20 employees | [ ]  21 to 100 employees | [ ]  100+ employees | [ ]  n.a. |

Please note:

* When reading and commenting on the CRIS, please feel free to focus only on the areas that are relevant to you. A number of questions are included throughout the CRIS. These questions aim to make it easier for stakeholders to make comments. It is not expected that all respondents will respond to all questions and proposals.
* Submissions can be emailed to registrationreview@dmirs.wa.gov.au or posted in hard copy to the following address:

Registration Review

Department of Mines, Industry Regulation and Safety- Building and Energy Division

Locked Bag 100

EAST PERTH WA 6892

* All submissions will be placed on the Department of Mines, Industry Regulation and Safety website and may be quoted in future publications, unless clearly marked as CONFIDENTIAL.
* As submissions will be subject to freedom of information rules, please do not include any personal or confidential information that you do not wish to become available to the public.
* Neither the State of Western Australia nor the Department of Mines, Industry Regulation and Safety takes responsibility or shall be liable for any breach of copyright or libellous or defamatory comments in submissions published by the Department of Mines, Industry Regulation and Safety.

**Please note:**

* **The proposals presented in this CRIS are the first stage of a consultation process and do not represent the McGowan Government’s final policy position.**
* **The WA building industry and other stakeholders will be advised of any proposed changes to builder registration laws well in advance and lead-in times and the staggering of reforms will be adopted to reduce impacts.**

# Proposed tiered registration model for builders in WA (pages 15-20)

1. Do you support the introduction of tiered registration of builders in WA?
2. Are the proposed types of work to be undertaken by each tier of registration reasonable (Refer to Table 1 and Appendix A in the consultation paper)?

# Registration threshold and registration exemptions (pages 20-21)

1. Do you support changing the builder registration threshold and, if so, what is an appropriate threshold value?
2. Should any currently exempt work, or work under $20,000, be subject to the requirement to use a registered building contractor on the basis of safety for the community? Why?

# Proposed qualifications and experience requirements for tiered registration (pages 22-27)

1. Do you support the proposed qualifications and experience requirements outlined in Table 2 and 3 of the consultation paper? Why or why not?
2. Should particular types of experience be clarified as unsuitable for builder registration? (e.g. experience gained during apprenticeship or training, unlicensed experience, experience in constructing retaining walls, dividing fences or structures not included in the NCC Volumes 1 and 2).
3. Would a standardised logbook (electronic or hardcopy) assist applicants for builder registration to record key information about their experience?
4. Should the current builder registration pathway for persons with architectural or engineering qualifications (Set 1) be removed?
5. Should the current builder registration pathway for persons with qualifications acceptable for membership as a Fellow or Member of the Australian Institute of Building (Set 3) be removed? Why or why not?
6. If the current Set 3 Australian Institute of Building pathway is retained, to which tier of registration (Open, Medium rise, Low rise) should it apply?
7. Should the current builder registration pathways allowing persons to obtain registration by sitting an examination and demonstrating five years’ experience in supervising or managing building construction (Set 4), or attaining the Building and Construction (Building) Diploma based on experience only (Set 5) be removed? Why or why not?

# Transition to a tiered registration model for builders (page 28-29)

1. Do you have any suggestions to improve the proposed transition process and limit impacts?
2. Should the current building contractor registration numbers on registration certificates be kept the same where possible? Why or why not?

# Registration of project managers and owners’ representatives: commercial buildings (pages 32-36)

1. Do you support the proposed registration of project managers working on commercial construction projects and qualifications/experience requirements? Why or why not?
2. Do you have concerns about the knowledge and expertise of project managers and/or owners’ representatives working on commercial construction projects? If so, please outline your concerns and, where possible, provide examples.
3. Do you support the proposed registration of owners’ representatives that work on commercial construction projects and qualification/experience requirements? Why or why not?

**Recognition of prior learning: concerns about training quality (pages 37-38)**

1. Do you have concerns about the quality of training providers delivering the Diploma of Building and Construction (Building)? If so, what evidence can you provide?
2. Do you support requiring applicants to registration to declare that they have read and approve all the content and attachments contained in their application? Why or why not?
3. Do you support clarifying, and placing beyond doubt, that the Building Services Board can seek written verification of experience (referee checks) from an applicant for registration? Why or why not?

**Continuing professional development: builders and building surveyors (page 39)**

1. Do you support amending the Building Services (Registration) Regulations 2011 to require registered building practitioners and building surveying practitioners to complete online national training modules on the National Construction Code in WA? Why or why not?
2. Are online training modules the best way to provide this training? Are there better ways of doing this?

**Disciplinary provisions (pages 40-51)**

1. Do you support the proposed amendments to the ‘ineligible persons’ provisions of the *Building Services (Registration) Act 2011*? Why or why not?
2. Do you support the removal of consent of the provider (i.e. the subject of a complaint) to the Building Services Board choosing to hear a minor disciplinary matter?
3. Do you support the Building Services Board having he power to order a registered building practitioner to complete a further course of training following a disciplinary investigation and a Building Services Board hearing?
4. Do you support the proposed measures to increase the scope of the interim disciplinary order?
5. Do you support the doubling of penalties for breaches of discipline dealt with by the State Administrative Tribunal and the Building Services Board, and penalties for carrying out unregistered work?
6. Are there any other changes to the powers of the State Administrative Tribunal and the Building Services Board that would make them more effective?
7. Do you support new penalties and grounds for disciplinary action if a building practitioner or building surveying practitioner works outside their class of registration?
8. Do you support amending the *Building Services (Registration) Act 2011* to require registered contractors that are companies to give the BSB written notice of a sale or merger within seven days of its occurrence? Why or why not?
9. Do you support amending the *Building Services (Registration) Act 2011*, in relation to serious cases of poor quality work, to require the building contractor to demonstrate that the management and supervision of the work was sufficient to ensure that the whole of the building work was carried out in a proficient and workmanlike manner? Why or why not?
10. Do you support amending the *Building Services (Registration) Act 2011* to expand the grounds for disciplinary action to include fraudulent conduct and misleading and deceptive conduct?
11. Do you support amending the *Building Services (Registration) Act 2011* to allow disciplinary action for breaches of WA building related laws?
12. Do you support extending the time period in which an infringement notice can be issued for building related offense, for example, from 21 days to 12 months after the offence has been committed?
13. Are there any other ways to make infringement notice provisions more effective for local governments?

**Extending builder registration to remote and regional WA (pages 52- 4)**

1. Do you support extending builder registration requirements to most areas of WA by the repeal of Schedule 3 of the Building Services (Registration) Regulations 2011? Why or why not?
2. In your view, what are the costs and benefits of introducing mandatory builder registration in currently exempt areas of remote and regional WA?