

REQUIREMENTS FOR INDIVIDUAL REGISTRATION
ARCHITECTS, ENGINEERS and MINING & METALLURGY

Section 9A of the *Builders' Registration Act 1939*

LEGISLATIVE REQUIREMENTS

The *Builders' Registration Act 1939* (BR Act) provides a separate category of registration for Architects, Engineers and persons in the mining and metallurgy profession. Section 9A of the BR Act which sets out the criteria an applicant must meet in order to gain registration is as follows:

- "(1) A person *who is* –
- (a) a **member** of The Royal Australian Institute of Architects (W.A. Chapter);
 - (b) **registered** under the Architects Act 1921;
 - (c) a **member** of The Institution of Engineers, Australia, Western Australia Division;
or
 - (d) a **member** of The Australasian Institute of Mining and Metallurgy,
and who applies to be registered under the Act shall, subject to subsection (2), be entitled to be so registered if and when –
 - (e) he **pays the prescribed fee** for such registration; and
 - (f) he satisfies the Board that he has had 5 **years' experience in supervising building construction or in assisting in the supervision of building construction.**
- (2) Notwithstanding subsection (1), the Board may require an applicant under that subsection to **satisfy it that he has sufficient material and financial resources available to enable him to meet his financial obligations as and when they become due, and may refuse to register an applicant who fails to so satisfy it.**
- (3) Notwithstanding subsection (1), the Board is not required to register as a registered builder a person who is an ineligible person under section 13(1ba)."

EXPLANATORY NOTES

A. Membership and registration

With respect to membership of one of the institutes specified in section 9A(1)(a),(c) or (d) of the BR Act:

- an applicant must be a 'full' member of the relevant institute
 - **Engineer** - Professional Engineer, Member, MIEAust and above. Student or Graduate membership, for example, is not acceptable. [The general area of practice required for an Engineer must be in the areas of structural or civil engineering].
 - **Architect** - Membership with RAIA must be Level 1 or RAIA Level 2. [RAIA Affiliate Level 1, Affiliate Level 2, student, graduate or academic membership is not acceptable].
 - **Mining & Metallurgy** - Membership with AusIMM must be the grade of Fellow or member. [Student, graduate or associate membership is not acceptable]
- the membership must be current at the time the application is made and
- proof of membership specifying the grade of membership must be provided. A certified copy of the original will be sufficient.

B. Payment of the prescribed fee

The prescribed fee is the annual registration fee. This fee CANNOT be paid until your application for registration has been approved. However, an **application fee** of \$264 **MUST** be paid when you lodge your application.

C. 5 years' experience in supervising building construction or in assisting in the supervision of building construction

It is the applicant's responsibility to demonstrate to the Board that they meet the criteria for registration. Failure to demonstrate that you meet the criteria will result in your application being refused. It is not up to the Board to investigate or make inquiries to establish an applicant's experience. Accordingly, it is important that the information you provide is relevant and accurate.

- **Documenting your experience** - All experience that you want the Board to consider in support of your application should be contained in the 'Statement of Building Work' (Part One & Part Two) and supported by the 'Statement by Employer' or references verifying the same information.
 - Where there is an extended period of employment with a particular employer you may provide a list of the projects and explain your role and responsibilities collectively.
 - An applicant must satisfy the Board that he/she is competent to carry out building in Western Australia. Jurisdictions outside Western Australia may have different or lower standards of building. An applicant should identify how the region in which their experience was gained is comparable to the standards of building in Western Australia.

- **How do I know what experience and information to include?** In a decision handed down by the State Administrative Tribunal in *Lam v The Builders' Registration Board of Western Australia* [2006] WASAT 227, the Tribunal commented on how an applicant's experience should be assessed. To allow the Board to consider an applicant's experience the following information should be provided:
 - The experience **MUST** be in 'building construction'. Building construction should relate to the entire process of the construction of a building, which includes permanent structures, forming an enclosure and providing protection from the elements, or which included a roof and walls. Ordinarily this will be the role of the builder.
 - Experience that has been gained in only one single aspect of the building construction process is not considered relevant. For example, 5 years supervision of persons undertaking finishing trades such as plastering and painting is not acceptable, unless it can be shown that the experience makes up a portion of the time spent supervising an entire project.
 - Experience in civil works in the nature of roads, viaducts, mechanical engineering, dams, pipelines, mining plant and refinery plant are **NOT** relevant experience. If a project involves both civil and building work then applicants should apportion the time spent supervising the building component of the works.

Supervision or assisting in the supervision

- Whilst the applicant's experience does not need to be in the employ of a builder (eg acting for the builder's client) an applicant needs to show that he/she has experience in '**supervising or assisting in the supervision of building construction**'.
 - In order to demonstrate such experience an applicant **MUST** show that he/she had the ability and was in a position to direct and control the works being **undertaken by the builder**.
- **Details of time to be credited** - The time credited to an applicant must involve consideration of the time spent 'supervising' or 'assisting in the supervision' of building construction. This may, but will not always, be the time that the project took. With respect to the experience claimed, an applicant should include:
 - the period of the project (eg January 2006 to August 2006 - 8 Months)
 - the period that the applicant was actually involved in supervision or assisting in the supervision of building construction (in terms of weeks/months)
 - the role of the applicant in each project, including a description of the day to day functions and how the applicant exercised direction and control over the works and
 - the time attributed to that project by the applicant, including the percentage of time spent on site (eg full time 3 days per week). As an engineer or architect may be responsible for a number of sites, some of which may not be relevant experience, it is important that a time period is apportioned to the relevant experience (which must be verified by the employer).

*For example, in a single month, if an engineer was responsible for 10 sites (5 being with respect to civil works and 5 being for building work as defined) and the engineer spent equal time on each site, a **maximum of half of that time** could be claimed for each of the 5 sites with respect to building work only.*

D. Sufficient material and financial resources

Every applicant must satisfy the Board that he/she has sufficient financial and material resources to enable him/her to trade as a builder. The forms contained in this application form will assist the Board in making that assessment. If in doubt, you should provide as much information as possible.

The Board will give consideration to the following

- Liquid funds available to commence operating as a builder (eg cash balances).
- Sufficient equity in property from which you may be able to raise a loan facility against.
- Loan or overdraft facility to trade as a builder.
- The intention of the applicant upon obtaining registration.

The information provided **MUST** be verified by a statutory declaration, which is contained at the end of Form No 9. In addition, you will be required to submit with your application a copy of a bank statement (current at the time of the application) showing the funds available, or written verification from the relevant financial institution.

E. If your application is refused

- The notice of decision sets out why your application was refused.
- You may request written reasons for the Board's decision. The request must be made in writing to the Builders' Registration Board within 28 days of the notice of decision being received.
- If you are dissatisfied with the Board's decision you may apply to the State Administrative Tribunal for a review of that decision.
- You can re-apply and address the inadequacies on which your application was refused. Subsequent applications must be accompanied by a new application fee.

CHECKLIST

1. Statutory Declaration Application Form No 2 to be completed.
2. Industry experience Form A1 to be completed and supported with documentary proof, including confirmation of membership of the RAIA (WA Chapter) **or** registration under the Architects Act 1921 **or** membership of Institute of Engineers Australia (WA Division) **or** member of The Australasian Institute of Mining and Metallurgy
3. Statement of Building Work form (Part One and Part Two) to be completed. This must show that the applicant has had 5 years' experience in supervising building construction or assisting in the supervision of building construction and should be supported by the Statement by Employer form.
4. Statement by Employer form to be completed and annexed to the Statement of Building Work.
5. Financial Statement Form No 9 to be completed and accompanied by verification of funds available to operate as a builder.
6. Two Character Testimonials Form No 11 to be completed and submitted with a current National Police Certificate (issued within the last 3 months).
7. Non-refundable application fee of \$264 to be paid when forms lodged.
8. The applicant is invited to submit a written summary covering his/her training, work history and future intentions.
9. Proof of Identification (certified copy of Birth Certificate and photo ID such as a Driver's Licence or Passport).

On assessing the application additional information may be requested to clarify any matters.

Applications should be submitted to

The Registrar
Builders' Registration Board of WA
Locked Bag 12
WEST PERTH WA 6872

<p>FORM NO 2 Western Australia BUILDERS' REGISTRATION ACT 1939 AND REGULATIONS</p> <p>APPLICATION FOR REGISTRATION AS A BUILDER [INDIVIDUAL] [Regulation 8]</p>	<p><u>OFFICE USE ONLY</u></p> <p>Receipt No</p> <p>Amount:</p> <p>Date:.....</p> <p>Category:..... AEMM</p>
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TO THE BUILDERS' REGISTRATION BOARD OF WESTERN AUSTRALIA, PERTH

1. I
Full name (block letters)

of
Residential address *Postcode*

in the State of Western Australia.....
Occupation

Tel Home Tel Work..... Mobile

Facsimile Email

hereby apply to be registered as a builder under the provisions of *the Builders' Registration Act 1939*.

2. My qualifications for such registration are as follows

- (a) I am over the age of twenty one years, having been born at
Place of Birth in the Country/State of.....
on the (Date of Birth)
- (b) I am permanently residing in Western Australia
- (c) I am a person of good character, as evidenced by the testimonial annexed to this application
- (d) I meet the criteria for registration as contained in Section 9 of the *Builders' Registration Act 1939*.

3. The prescribed application fee of \$264 accompanies this application.

STATUTORY DECLARATION

I, the abovenamed applicant, sincerely declare that the particulars contained in my above application and accompanying statements are true and correct. This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular. This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005* at

.....*Place/State*

On date*(Day, Month, Year)*

.....
Signature of person making the declaration

In the presence of:

.....
*Signature of authorised witness**
**see attached list*

.....
Name of authorised witness and qualification as such a witness

FORM A1

BUILDERS' REGISTRATION BOARD OF WA

I.....
Full name in block letters

of.....
Address

in applying for registration as a builder under Section 9A (a), (b), (c), or (d) of the Builders' Registration Act 1939, state that

- * 1. I am
 - (a) A Member of the Royal Australian Institute of Architects (WA Chapter)
 - (b) Registered under the Architects Act 1921
 - (c) A Member of the Institution of Engineers, Australia
 - (d) A Member of the Australasian Institute of Mining and Metallurgy

Strike out that which does not apply

* 2. My tertiary qualifications are
.....
.....

* 3. I have had 5 years experience in supervising or assisting in the supervision of building construction as evidenced by the following summary:

EMPLOYER	POSITION HELD	MONTH & YEAR	
		FROM	TO
.....
.....
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.....

I CERTIFY THAT THE ABOVE PARTICULARS ARE COMPLETE AND CORRECT

.....
Signature of applicant

IMPORTANT NOTE: ITEMS 1, 2 & 3 MUST BE SUPPORTED BY DOCUMENTARY PROOF

STATEMENT BY EMPLOYER

I
Name *Designation*

Of.....
Company/Partnership

sincerely declare that the information provided by
Applicant

Contained in the documents annexed to this declaration are true to the best of my knowledge and belief.

STATUTORY DECLARATION

This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular. This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005* at

.....*Place/State*

On date*(Day, Month, Year)*

.....
Signature of person making the declaration

In the presence of:

.....
*Signature of authorised witness**

.....
Name of authorised witness and qualification as such a witness

*see attached list of authorised witnesses

FORM NO 9
Western Australia
BUILDERS' REGISTRATION ACT 1939
FINANCIAL STATEMENT BY APPLICANT
[Regulation 8(2)]

TO THE APPLICANT

The Board is charged with the responsibility under Section 9A(2) and 10(2a) of the *Builders' Registration Act 1939* to be satisfied that an applicant for registration has sufficient financial resources to meet his or its financial obligations as and when they become due.

Under regulation 8(2)(b), the applicant is required to complete this form OR provide a prepared financial statement certified by the applicant's accountant. **Please indicate if any or all of the items below are held in joint names or by a partnership.** You may attach further written details to this form if there is not enough space to include all relevant matters. *Note: Do not include intangibles such as goodwill, rights of indemnity, intellectual property such as trademarks and patents, formation expenses or borrowing expenses.*

ASSETS	
PROPERTIES	VALUE
Residential and other properties (<i>eg house, flat, factory, shop, vacant land</i>)	\$
.....	\$
.....	\$
Value of contents	\$
CASH BALANCES (<i>list bank, building society, etc and branch</i>)	\$
.....	\$
BUILDING RELATED ASSETS	
Salary, annual leave accrual	\$
Plant & equipment (<i>exclude leased items</i>)	\$
Motor vehicles (<i>exclude leased items</i>)	\$
Tools of trade.....	\$
Stock of materials.....	\$
Trade debtors (<i>supply list</i>).....	\$
OTHER ASSETS	
Personal effects.....	\$
Life insurance policies.....	\$
Superannuation accrued benefit.....	\$
Boat/caravan.....	\$
Other (<i>eg shares, investments</i>)	\$ _____
TOTAL ASSETS	\$ _____

LIABILITIES	
	VALUE
Owing on residential property	\$
Owing on other properties	\$
Owing on hire purchase/lease	\$
Owing on personal loans, credit cards	\$
Bank overdraft (<i>limit \$</i>)	\$
Trade creditors (<i>supply list</i>).....	\$
Unpaid tax liability.....	\$
Other liabilities (<i>please specify</i>).....	\$
.....	\$
.....	\$
TOTAL LIABILITIES	\$
	<hr/> <hr/>
SUMMARY	
Total Assets.....	\$
Less Total Liabilities.....	\$
	<hr/>
NET TANGIBLE ASSETS	\$
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DETAILS OF PAST BUSINESS

Have you ever been declared bankrupt or been a partner or director of an insolvent business? YES/NO

If yes, please attach a written explanation and provide the name of the trustee, administrator, receiver, receiver and manager, or liquidator.

GUARANTEES

List all personal or business guarantees or indemnities signed to secure debts, and the amounts secured.

STATUTORY DECLARATION

I
Name *Occupation*

.....
Residential address

sincerely declare that the particulars contained in this financial statement attached are true and correct. This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular. This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005* at:

.....*Place/State*

On date(*Day, Month, Year*)

.....
Signature of person making the declaration

.....
Signature of person making the declaration

In the presence of:

.....
*Signature of authorised witness**

.....
Name of authorised witness and qualification as such a witness

*see attached list of authorised witnesses

FORM NO 11
Western Australia
BUILDERS' REGISTRATION ACT 1939 AND REGULATIONS
CHARACTER TESTIMONIAL IN SUPPORT
OF AN APPLICATION FOR REGISTRATION

This is to certify that I have known

.....
Applicant's name

of
Applicant's address

for years (*minimum 3 years*)

His/her association with me has been in acapacity.
Personal, business or professional

I consider that he/she is a person of good character and repute and a fit and proper person to hold such a registration.

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DETAILS OF PERSON GIVING TESTIMONIAL

Name
Block Letters

Address

Occupation

Signature Date.....

The Character Testimonial should not be dated more than six months before the date of application.

Persons giving testimonials must have known the applicant for at least three years and must be persons of standing in the community. They are at liberty to add any further information they wish.

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CITIZENSHIP STATUS

The Builders' Registration Board checks through the Department of Immigration Multicultural & Indigenous Affairs, the immigration status of non Australian citizens seeking registration as a builder.

Please complete this form and return it to this office along with your application for registration and a photocopy of your passport, if applicable.

Are you an Australian citizen?

Yes

No

Family Name

Given Name

Date of Birth

Passport Country (if applicable)

Passport Number (if applicable)

AUTHORISED WITNESSES FOR STATUTORY DECLARATIONS

Professions that can witness statutory declarations in accordance with the *Oaths, Affidavits and Statutory Declarations Act 2005* include

- Academic (post-secondary institution)
- Accountant
- Architect
- Australian Consular Officer
- Australian Diplomatic Officer
- Bailiff
- Bank Manager
- Chartered Secretary
- Chemist
- Chiropractor
- Company Auditor or Liquidator
- Court Officer
- Defence Force Officer
- Dentist
- Doctor
- Electorate Officer of a Member of State Parliament
- Engineer
- Industrial Organisation Secretary
- Insurance Broker
- Justice of the Peace
- Lawyer
- Local Government CEO or Deputy CEO
- Local Government Councillor
- Loss Adjuster
- Marriage Celebrant
- Member of Parliament
- Minister of Religion
- Nurse
- Optometrist
- Patent Attorney
- Physiotherapist
- Podiatrist
- Police Officer
- Post Office Manager
- Psychologist
- Public Notary
- Public Servant (Commonwealth)
- Public Servant (State)
- Real Estate Agent
- Settlement Agent
- Sheriff or Deputy Sheriff
- Surveyor
- Teacher
- Tribunal Officer
- Veterinary Surgeon