

**REQUIREMENTS FOR INDIVIDUAL REGISTRATION
BASED ON
EXAMINATIONS**

Section 10(1)(b)(iv)(I) of the *Builders' Registration Act 1939*

LEGISLATIVE REQUIREMENTS

Section 10 of the *Builders' Registration Act 1939* (BR Act) provides that “any person who applies to be registered under this section shall, subject to subsections (2a) and (2b), be entitled to be so registered if and when –

- “(1) (a) *he has paid **the prescribed fees** for such registration; and*
- (b) *he has satisfied the Board that he —*
- (i) *has attained the **age of 21 years**; and*
 - (iii) *is a **person of good character**; and*
 - (iv) (I) *has **completed the prescribed course of training, including practical experience for a period of at least 7 years, or for periods aggregating at least 7 years, in the work of a builder, or as a supervisor of building work, and has passed the examination prescribed for applicants for registration as registered builders;***
- (2a) *Notwithstanding subsection (1) or (2), 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.*
- (2b) *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. Complete the prescribed course of training.

From February 2008, under Section 10(1)(b)(iv)(I) of the BRA, the Board prescribed the Diploma of Building and Construction (Building) – Builders' Registration Pathway as its '*prescribed course of training*' for registration purposes and the 1995 Diploma of Builders' Registration Course 7706.

As from 30 January 2010, the 2008 Builders' Registration Pathway (BCG50206) will change to 2010 Builders' Registration Pathway (CPC50208). The title and content of the units will remain the same.

You are required to complete and pass all modules of one of the courses.

2008 BCG0206 and 2010 Builders' Registration Pathway CPC50208		
2008 Unit Code	2010 Unit Code	Unit Title
BCGBC5001A	CPCBC5001A	Apply building codes and standards to the construction process for medium rise building projects
BCGBC5002A	CPCBC5002A	Monitor building or construction costing systems on medium rise building and construction projects
BCGBC5003A	CPCBC5003A	Supervise the planning of on-site medium rise building or construction
BCGBC5005A	CPCBC5005A	Select and manage building and construction contractors
BCGBC5007A	CPCBC5007A	Administer the legal obligations of a building or construction contract
BCGBC5008A	CPCBC5008A	Apply structural principles to the construction of medium rise buildings
BCGBC5010A	CPCBC5010A	Manage construction project/work
BSBMP505A	BSBMP505A	Manage project quality
BSBMP508A	BSBMP508A	Manage project risk
BSBOHS504A	BSBOHS504A	Apply principles of OHS risk management
BCGBC6001A	CPCBC6001A	Apply building codes and standards to the construction process for large building projects
ICAITU130A	ICAU1130A	Operate a spreadsheet application
BCGBC4004A	CPCBC4004A	Identify and produce estimated costs for building and construction process
BCGBC4006A	CPCBC4006A	Select, procure and store construction materials for low rise projects
BCGBC4013A	CPCBC4013A	Prepare and evaluate tender documentation
BCGBC4014A	CPCBC4014A	Prepare simple building sketches and drawings
BCGBC4018A	CPCBC4018A	Apply site surveys and set out procedures to building and construction projects

Or

1995 Diploma of Builders' Registration Course 7706	
Construction 1A	Building Site Supervision
Construction 1B	Residential Site Safety
Materials	Construction Planning 1
Construction 2A	Construction Planning 2
Construction 2B	Business Management for Building 1A
Building Contract Law 1	Business Management for Building 1B
Building Contract Law 2	Building Technology 1
Building Quantities & Estimating 1A	Timber Framing Code
Building Quantities & Estimating 1B	Building Site Survey and Set Out 1
Building Quantities & Estimating 2A	Structures 1
Building Quantities & Estimating 2B	Building Computer Applications 1
Builders' Working Drawings 1A	Cost Control & Planning 1
Builders' Working Drawings 1B	Acts, Regulations & Responsibilities

- If you have completed one of the courses previously prescribed by the Board, you can apply to TAFE to determine which, if any, units may be credited.
- Your Diploma or Statement of Academic Record can be provided as evidence of having completed the prescribed course of training. If you are sending copies, these should be certified as a true copy of the original by an authorised witness. A list of authorised witnesses is provided on page 18.

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. Person of good character - To enable the Board to assess this criteria of your application you are required to provide:

- a **current** National Police Certificate (issued within the last 3 months);
- details of any charges against you that are pending; and
- two character testimonials.

If there are any convictions of concern to the Board, you may be requested to provide written explanation of the offence or attend an interview.

D. 7 years' experience in the work of a builder or as a supervisor of building work.

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 and Part Two) and supported by the 'Statement by Employer'.
 - 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.
- **How do I know what experience and information to include?**

Type of Experience

- The experience MUST be '*in the work of a builder*' or as a supervisor of building work. A 'builder' is defined in section 2 of the BRA as '*a person trading as a builder*' which is defined to mean '*any person who ... is engaged in constructing, altering, repairing, adding to or improving the walls or structural parts of a building for a fixed sum, percentage or valuable consideration, or reward other than wages.*'
 - In a decision handed down by the State Administrative Tribunal in *Smith v The Builders' Registration Board of WA [VR 9 of 2006]*, the Tribunal held the work of a Building Surveyor does not come within the work of a builder.
 - Unlawful work (ie work carried out within the area of the Board's jurisdiction whilst being unregistered) is not relevant experience.
- **Relevant experience to be credited** – The quantum of relevant experience required is 7 years or for periods aggregating at least 7 years.

NOTE: The experience must be practical experience in the work of a builder ie the construction of a building of a permanent nature.

What is “practical experience in the work of a builder”?	
Type of broad experience may be considered by the Board as “in the work of a builder”	Type of experience to be considered NOT “in the work of a builder”
Bricklaying	Building Surveying
Carpentry	Design
Supervising building work	Painting
Structural wall and/or roof framing	Cabinet making
Structural steel fixing	Earth Works
Formwork	Glazier
Grano work/Concretor	Joinery (2 nd Fixing)
Commercial fit out	Manufacturing of building products
Owner builder work	
Estimating & Scheduling ¹	
Roof/Storm water plumbing	
Wall/floor/roof tiling	
Plasterboard /Plasterglass installer/fixer	
Plastering – <i>ie float and set</i>	
Plumbing – <i>ie prelay (within slab), drains (external drains, tube out, finish off)</i>	
Electrical – <i>ie conduit and cabling, face plates and light fittings and fit off</i>	
Drafting ²	
Management of the building process ³	

NB: The above table is a guideline only and is subject to the Board’s discretion.

While each application must be considered on its merits some areas of experience have been considered by the State Administrative Tribunal and applicants should be aware of the quantum credited for such experience as a guide to what may be credited by the Board:

¹ Maximum 10 months of experience - *Armitage and Builders’ Registrations Board of WA* [2009] WASAT 234.

² Maximum of 6 months of experience - *Frost and Builders’ Registration Board of WA* [2008] WASAT 272.

³ Maximum of 10 months of experience – Based on the principles set out in the above decisions.

E. 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 that you may be able to raise a loan facility against.

- Loan or overdraft facility to trade as a builder.
- 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 financial institution.

F. Conditional Registration – The Board does not have jurisdiction to grant conditional registration under this section of the BRA.

G. If your application is refused

- The notice of decision sets out why your application was refused.
- If your application was refused on the grounds of insufficient relevant experience, it is advised that you ensure that you have gained the relevant quantum of experience required before re-applying.
- 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 A5 to be completed and supported with documentary proof.
3. Statement of Building Work form (Part One and Part Two) to be completed. This must show that the applicant has had 7 years' practical experience in the work of a builder, or as a supervisor of building work. This 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. (References may also be submitted from industry practitioners, clients etc.)
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 of future intentions if the Board approves the application for registration.
9. A resume covering the applicant's overall training, work history and any affiliations.
10. Statement of Academic Record for each of the requisite subjects from the Boards' Diploma of Builders Registration.
11. Proof of Identification (certified copy of Birth Certificate and photo ID such as a Drivers 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

FORM NO 2 Western Australia BUILDERS' REGISTRATION ACT 1939 AND REGULATIONS APPLICATION FOR REGISTRATION AS A BUILDER [INDIVIDUAL] [Regulation 8]	<u>OFFICE USE ONLY</u> Receipt No..... Amount:..... Date: Category:..... Exams
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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 10(1)(b)(iv)(I) 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 of authorised witnesses

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

STATEMENT BY EMPLOYER

I
Full name *Designation*

of
Company/Partnership

sincerely declare that the information provided by contained in the
Applicant

documents annexed (being Part two) 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	\$ _____
SUMMARY	
Total Assets	\$
<i>Less</i> Total Liabilities.....	\$

NET TANGIBLE ASSETS	\$ _____

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
Full 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

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 a capacity.
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.....

NOTE: 1. *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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BUILDERS' REGISTRATION ACT 1939
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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