



## **Building Services Board Policy**

### **Conditions on Building Service Providers' Registration**

#### **OBJECTIVE**

The objective of this policy is to guide members of the Building Services Board (the Board) and Departmental staff in applying consistent processes and making appropriate decisions in relation to building service provider registrations with conditions.

#### **SCOPE**

This policy applies to imposing, varying and revoking conditions on the registration of building service providers under section 24 of the *Building Services (Registration) Act 2011* (the Act). Conditions may be imposed on the registration of a building service provider as a result of a decision made by the Board and/ or historical decisions made by the former Builders' Registration Board or the State Administrative Tribunal.

#### **CONTEXT**

Sections 17 and 18 of the Act, and the associated regulations set out requirements for registration as a building service provider.

Sections 23, 24 and 25 of the Act, provide for conditions to be imposed, varied or revoked on the granting, renewal or during the currency of a registration by the Board or State Administrative Tribunal.

The imposition, variation or revocation of a condition on a registration does not take effect until the registered building service provider is given written notice of the condition, which includes informing the registrant of their right of review under section 64 of the Act.

Section 29 of the Act provides that a condition on registration must be included in relation to the relevant building service provider's particulars on the Register.

#### **TERMS USED**

The Act	The <i>Building Services (Registration) Act 2011</i>
Registered building service provider	A practitioner or contractor registered under the Act
Condition	A condition, limitation or restriction imposed by the Board on a registered building service provider under section 24 of the Act
Mutual recognition	The <i>Mutual Recognition Act 1992</i> and the <i>Trans-Tasman Mutual Recognition Act 1997</i> provide for occupational licence or registration holders in one state or territory of Australia, or New Zealand to an equivalent licence in another jurisdiction.

#### **POLICY PRINCIPLES**

##### **Generally**

This policy does not constrain the Board's capacity to depart from this policy as appropriate to the circumstances of any particular application for, or registration as, a building service

provider. The policy will guide the imposition, variation/amendment and revocation of conditions on the registration of a building service provider.

### **Imposition of conditions**

Notwithstanding the Board's powers under section 24, the Board will not usually impose conditions on a registration. Reasons for the imposition of conditions might include, but are not limited to:

- Ensuring any conditions on a building service practitioner's registration are imposed on any subsequent registration as a building service contractor, or, if the practitioner is a nominated supervisor, the relevant building service contractor registration;
- In the case of mutual recognition, to achieve equivalence between the scopes of work a practitioner is registered to undertake in the first jurisdiction and the scope of work to be permitted under a Western Australian registration. Section 29(2) of the *Mutual Recognition Act 1992* (Cwlth) allows for the imposition of conditions to achieve equivalency between occupations in different jurisdictions;
- Reflecting a disciplinary decision or in having due regard to a registered entity's history of conduct to manage the risk of future misconduct; and
- Responding to other circumstances where it is appropriate and consistent with the Act for the Board to impose a condition on a building service provider's registration.

### **Variation/amendment or revocation of conditions**

Section 24 of the Act allows the Board to vary conditions on a registration of a building service provider. This provision enables the Board to edit the style or the text of current conditions, to correct errors and, as appropriate, to change the effect of conditions either in response to an application or on the Board's own initiative.

### **Continuous monitoring by the Department**

Departmental officers will continue to monitor and recommend revisions to conditions or the revocation of conditions to maintain consistency with this policy.

### **Applications to revoke or vary conditions**

1. A registered building service provider with a condition that restricts the scope of a building service that may be undertaken or provided, who is seeking the revocation or the variation of the condition is required to demonstrate that he or she meets the current applicable requirements for registration under section 17 and/ or section 18 of the Act, and is required to submit an application in the same form as an initial applicant for registration and pay the application fee.
2. A registered building service provider with a condition imposed on his or her registration and who is seeking the revocation or the variation of a condition on the grounds that the reason for the condition is no longer relevant, is required to make a request in writing to the Board, which may be in a form such as a letter or email and does not attract a fee.
3. A contractor with a condition imposed because of a condition on their own practitioner registration, or that of their nominated supervisor, and who is seeking the revocation or the variation is required to make a request in writing to the Board, which may be in a form such as a letter or email and does not attract a fee.
4. In reference to points 1 to 3, the relevance of a reason will be determined by the Board.


### **The revocation or variation of conditions on the Board's initiative**

The revocation or variation of conditions on the Board's initiative does not require an application or request and does not attract any fee.

## POLICY IMPLEMENTATION

Departmental officers will recommend imposition of conditions to the Board consistent with this policy and will inform building service providers of this policy.

## GOVERNANCE

Resolved by the BSB	Meeting Date 11 August 2020	Item Number 4.3
Chairperson	Signature 	Date 11 August 2020
Keywords		
Next review	1 June 2023	

