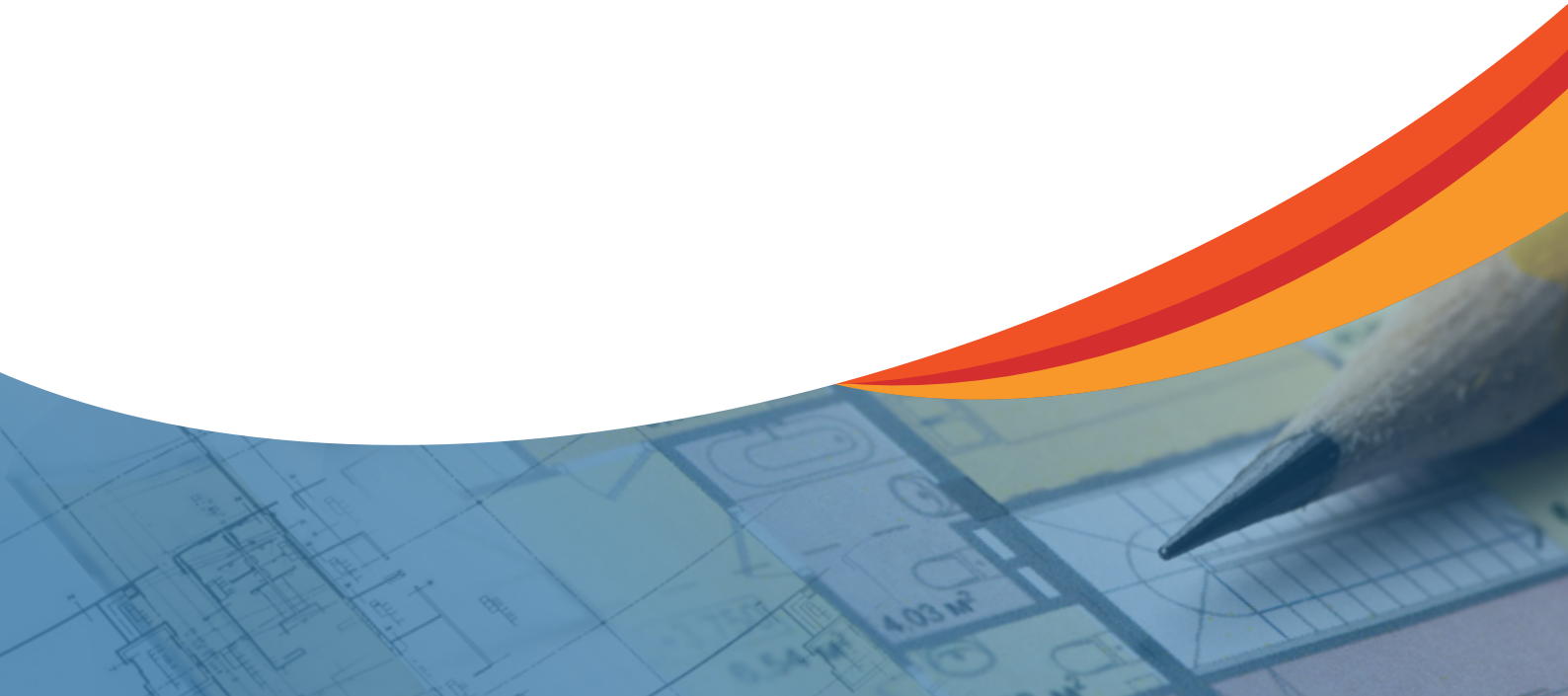
GOVERNMENT OF WESTERN AUSTRALIA

Building and Energy Western Australia

Guide to Building Engineers Registration in Western Australia



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Contents

1. Introduction

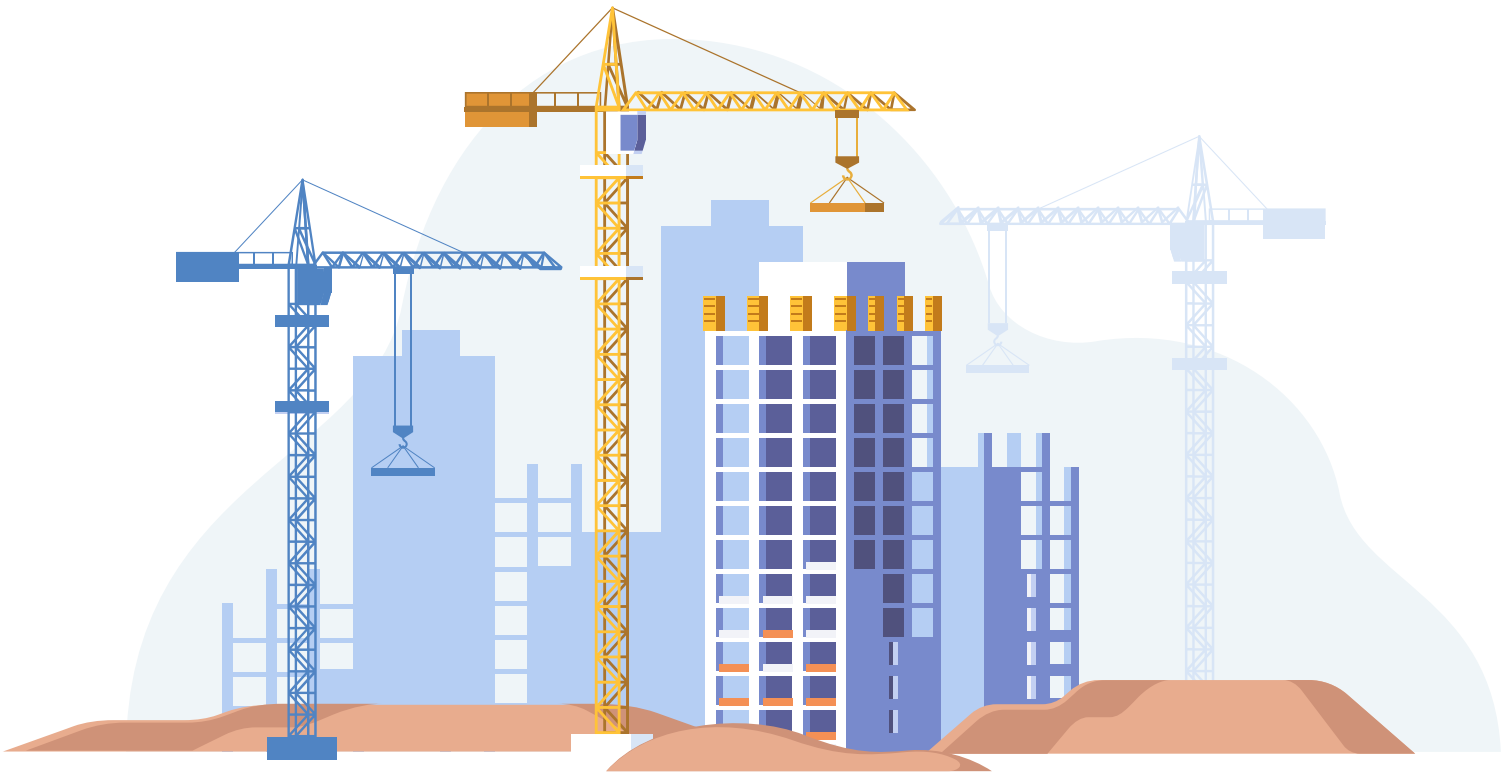
1.1. What the Regulations require

New requirements under the Building Services (Registration) Regulations 2011 (WA) (the Regulations) prescribe that people must be registered to carry out engineering work in WA in prescribed areas of engineering, for buildings and incidental structures in accordance with the *Building Act 2011* (Building Act) and the National Construction Code (NCC).

The areas prescribed for registration are: civil, structural, mechanical and fire safety. Under each of the prescribed areas engineers are registered at one of three levels: professional, technologist or associate and as a practitioner and/or contractor.

Building engineering work includes professional and technical engineering work for, or in relation to, a class of building under the NCC, including incidental structures, temporary buildings and structures, and any part of a building or incidental structure (see definitions in Appendix A).

Building engineers will be registered as both practitioners (individuals) and contractors (businesses). To contract for building engineering work in WA, a business must be registered at the relevant level as a building engineering contractor. Businesses can be registered according to their existing model as a sole trader, partnership or company. A registered contractor must employ at least one registered practitioner as the nominated supervisor(s).



The nominated supervisor is responsible for managing and supervising building engineering work undertaken by the registered contractor.[1] It is therefore advisable for registered building engineering contractors that carry out building engineering work in multiple areas to have a nominated supervisor registered as a practitioner in each of the areas of engineering that the contractor provides services in.

Building engineering contractors must ensure that all building engineering work undertaken is properly managed and supervised. [2] This includes determining the appropriate type and number of registered building engineering practitioners required to undertake the work.

Businesses and individuals are responsible for determining whether registration is required to carry out or to continue carrying out engineering services, and, if so, what level and area.

A person commits an offence if they fail to hold a valid registration where required to do so, or to have a nominated supervisor. The maximum fine penalty is $25,000.

A registered building engineering contractor and/or a nominated supervisor that fails to properly manage and supervise building engineering work can have disciplinary action taken against them by the Building Services Board (the Board) or the State Administrative Tribunal (SAT).[3] This can result in suspension or cancellation of registration, or other sanctions, including fines.

A registered building engineering practitioner who is negligent or incompetent in carrying out building engineering work can have disciplinary action taken against them by the Board or the SAT, which can result in suspension or cancellation of registration, or other sanctions, including fines.

[1] Building Services (Registration) Act 2011 s.18(1)(e)

[2] ibid

[3] Building Services (Registration) Act 2011 s53(1)(f)

2. Will You Need To Be Registered?

- ✓ Do you carry out professional or technical building engineering work?
- ✓ Do you work in one or more of the prescribed areas: civil, structural, mechanical or fire safety?
- ✓ Do you carry out design, construction or production activities related to buildings or incidental structures, in accordance with the Building Act and the NCC?
- ✓ Do you work independently, not under supervision?

If you answered 'Yes' to all of these questions, you likely need to be registered as a building engineering practitioner in the relevant area and level.

- ✓ Does your business provide building engineering services to people, including individuals, public agencies and companies?

If so, your business will need to be registered as a building engineering contractor in the relevant level, and employ at least one registered building engineering practitioner to supervise and manage the work.

In WA engineers must be registered to carry out professional or technical engineering work, in prescribed areas, that relates to a building or incidental structure under the Building Act and the NCC, unless their work is supervised by somebody who is registered. The areas of engineering prescribed for registration are: civil, structural, mechanical and fire safety.

2.1. When you DO NOT need to be registered

You do not need to be registered to do:

- Building engineering work in other areas, for example electrical engineering for a building.
- Engineering work that is not related to a building or incidental structure, as defined by the Building Act and NCC. For example, a civil engineer would not need to be registered to work on infrastructure or road projects. Neither would a mechanical engineer employed in the mining industry.
- Generic building engineering work. For example, if you work for a company designing and manufacturing generic building products, incidental supplies and materials, you do not need to be registered in WA. Similarly if you work in a testing laboratory, testing generic building products, for example to demonstrate compliance with Australian Standards, you do not need to be registered. Consumer protection law governs the compliance of generic products.

However, if you work for a manufacturing company designing and manufacturing specific components for specific buildings in WA, you will likely need to be registered as a building engineering practitioner and contractor.

2.2. Building engineering work

Engineering work is defined as being the application of engineering principles and data to a design, or construction or production activity, relating to engineering. Building engineering work means professional or technical engineering work that relates to a building.

Applying engineering principles and data means identifying *which* principles and data apply to a specific service, and how to apply them. Actually applying the principles and data may, or may not, be building engineering work.

For example, a draftsperson drawing up a design in accordance with an engineer's instruction is not doing building engineering work. Equally, a person checking that a joint has been constructed using the number and size of bolts set out on the approved drawing is not doing building engineering work. Rather, they are both working under supervision, or in accordance with a prescriptive standard.

The engineering activities captured under the definition of building engineering work are limited to **design, construction** and **production.**

Engineering design is an iterative process informed by the application of engineering principles and data in order to devise a component, process or system to meet desired needs or a stated objective.

Engineering **construction** and **production** are the respective processes of designing structures or components, reviewing designs and co-ordinating construction (including inspecting, testing and commissioning, where applicable) and production consistent with the agreed design.

Supervision

Individuals are not required to be registered to do building engineering work under the direct supervision of a registered building engineer.

For example, unregistered people, including graduate engineers and draftspeople, may work as part of a design team under the direct supervision of a registered engineer.

'Direct supervision' means:

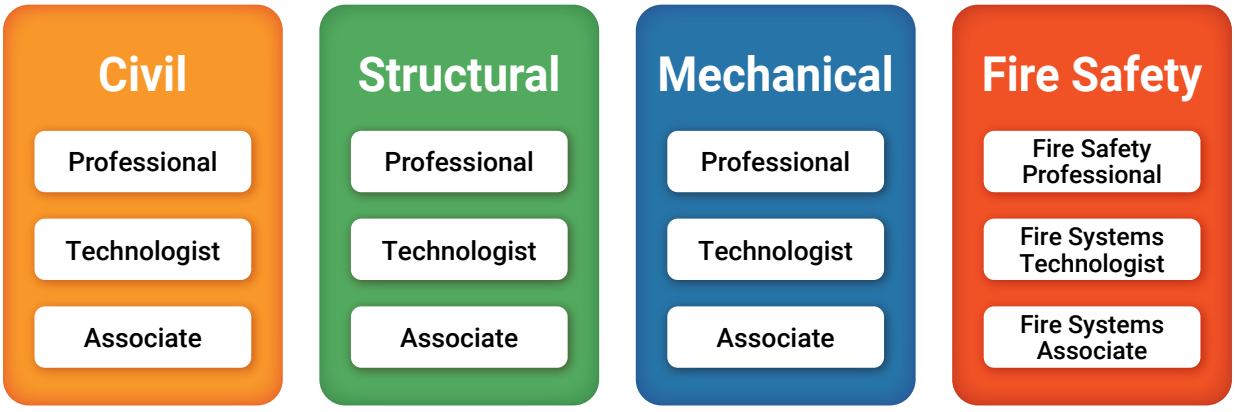
- **a)** the supervision must be direct, not through a third person;
- **b)** the supervising building engineer must direct the unregistered person in the carrying out of the service;
- **c)** the supervising building engineer must oversee the carrying out of the service by the unregistered person;
- **d)** the supervising building engineer must evaluate the carrying out of the service by the unregistered person; and
- **e)** the supervising building engineer must take full professional responsibility for the service.

The WA Building Engineers Code of Conduct contains further information on supervision requirements for registered building engineers.

2.3. Building engineers' registration - areas and levels

The Regulations prescribe four areas of engineering, each with three levels, for which registration is required (see figure 1).

Figure 1: Areas and levels of building engineering prescribed for registration



This section describes the types of work captured in each of the areas and levels of building engineering, to assist engineers to determine if, and how, they are required to be registered to do building engineering work.

Building and Energy cannot provide advice on your particular circumstances. You are required to determine, in accordance with the Regulations, when registration is required. The information in this guide may be considered in your decision making.

2.4. Areas

The types of work captured under each area of building engineering prescribed for registration are described below.

The descriptions are a guide to what is covered under each area of building engineering for the purposes of the Regulations. It is the responsibility of each individual practitioner and contractor to consider how the Act and Regulations apply to the building engineering services they intend to undertake to determine whether, and in which area(s) and level(s) of building engineering, they need to be registered to provide those services.

Where building engineering work falls in the intersection of two or more areas, the engineer providing the services need only be registered in the most appropriate area.

However, some work may expand across two or more areas of engineering. **In that case the person must be registered in both or all areas of engineering.** Alternatively, multiple engineers may be required to carry out the work.

Registration is currently only required for engineering work in the building industry. The descriptions in this guide therefore focus on the work within each area of engineering as it relates to buildings, as defined under the NCC. The full scope of work undertaken within the prescribed areas of engineering includes work in other industries, such as infrastructure and mining. However, registration is not required to do this work in WA.

Civil

Civil engineering deals with the design, construction and production of the human-made environment. Civil engineering has many different areas of focus or speciality areas. The main areas of focus that relate to buildings are: structural, geotechnical, and hydraulic engineering.

Civil engineers working in the building industry can work with foundations and footing systems, construction materials, structural systems, and hydraulic supply and waste systems.

Building engineers providing professional or technical engineering services in any of the above areas must be registered in the area of civil engineering.

However, design of water supply, sanitary and drainage plumbing is excluded from the definition of building engineering work (see appendix A). People contracting for or doing plumbing design work are not required to be registered as building engineers.

Structural

Structural engineering primarily deals with the design, construction and production of buildings and incidental structures, both permanent and temporary.

Structural engineers working in the building industry can work with foundations and footings systems, construction materials and structural systems.

Building engineers providing professional or technical engineering services in any of the above types of work must be registered. As structural engineering is an area of focus of civil engineering, a practitioner may be registered as either a civil engineer or a structural engineer, or may apply for dual registration.

Mechanical

Mechanical engineering involves the design, construction and production of devices, machines, and mechanical structures and systems.

Mechanical engineers working in the building industry work with mechanical systems for heating, ventilation, air conditioning and refrigeration (HVAC-R); smoke control; vertical transport; thermal and environmental systems; and systems to aid people with disabilities.

Building engineers providing professional or technical engineering services in any of the above types of work must be registered in the area of mechanical engineering.

Fire

Fire safety engineering

Fire safety engineering involves the application of scientific and engineering principles, rules, and expert judgement based on an appreciation of the fire phenomenon, the effects of fire and the reaction and behaviour of people and materials to:

- save life, protect property and preserve the environment and heritage from destructive fire;
- assess the hazards and risk of fire and its effects;
- mitigate fire damage by proper design, construction, arrangement and use of buildings, materials, structures, industrial processes, and transportation systems; and
- evaluate analytically the optimum protective and preventive measures, including high-level fire safety design and strategies, necessary to limit, within prescribed levels, the consequences of fire.

Fire safety engineers develop holistic fire safety strategies and an integrated fire safety design which identifies all the fire safety measures required to meet the relevant performance requirements of the NCC to save life, protect property and preserve the built environment from destructive fire, through proper design, construction arrangements, and use of building materials.

Fire safety engineering is multidisciplinary in nature, having substantial relationships with building services, mechanical, electrical, electronics, chemical, structural and civil engineering, and embracing an understanding of human behaviour. However, a fire safety engineer who provides professional engineering services for buildings that span multidisciplinary areas is only required to be registered in the area of fire safety engineering.

Fire systems engineering

Unlike the other areas of building engineering, fire safety engineers may only be registered at the professional level. The related technologist and associate levels, in the area of fire engineering, are fire systems engineers.

Fire systems technologists and associates may do technical engineering work for prescribed fire systems, including hydrant, hose reel and sprinkler systems; fire detection and alarm systems; and smoke control systems.

Fire systems technologists may design fire systems in buildings of any class and size. Fire systems associates may design fire systems in medium rise buildings. These scopes of work vary from those prescribed for engineering technologists and associates in other areas, being medium and low rise buildings respectively. This is because low rise buildings do not tend to have fire safety systems.

2.5. Levels

Under the Regulations each of the four areas of engineering contains three levels – professional, technologist and associate (see figure 1). Information on the work that can be undertaken by building engineers at each level is detailed below.

Professional

Professional building engineering contractors may do both professional and technical engineering work, for any size or class of building. This means applying engineering principles and data to a design, or construction or production activity, both in accordance with a prescriptive standard and otherwise.

Registered professional building engineers are professional engineers in accordance with the NCC definition, and may provide a certificate or report as evidence of suitability in accordance with the NCC Part A5.2, and undertake any other work that the NCC states may or must be done by a professional engineer.

Technologist

Building engineering technologist contractors may do technical engineering work for medium rise buildings without supervision. This means applying engineering principles and data to a design, or construction or production activity, in accordance with a prescriptive standard, for medium rise buildings.

The exception to this rule is fire systems technologists, who may do technical engineering work without supervision for buildings of any size or class. Low-rise buildings don't tend to contain fire safety systems, so the permitted scope of work for fire systems technologists is unrestricted.

The general restriction to medium rise buildings does not mean that building engineering technologists may undertake all engineering work for medium rise buildings. The restriction to technical engineering work also applies. Professional engineering work for medium rise buildings must still be undertaken by a registered professional building engineer.

Registered building engineering technologists may, subject to the determination of the certifying building surveyor and/or permit authority, be 'appropriately qualified persons' in accordance with the NCC definition. As an appropriately qualified person, building engineering technologists may provide a certificate or report as evidence of suitability in accordance with the NCC Part A5.2, or undertake any other work that the NCC states may be done by an appropriately qualified person.

Associate

Building engineering associate contractors may do technical engineering work for low rise buildings without supervision. This means applying engineering principles and data in accordance with a prescriptive standard, for low rise buildings. The exception to this rule is fire systems associates, who may do technical engineering work without supervision for medium rise buildings.

The general restriction to low rise buildings does not mean that engineering associates may undertake all engineering work for low rise buildings. The restriction to technical engineering work also applies. Professional engineering work for low rise buildings must still be undertaken by a professional engineer.

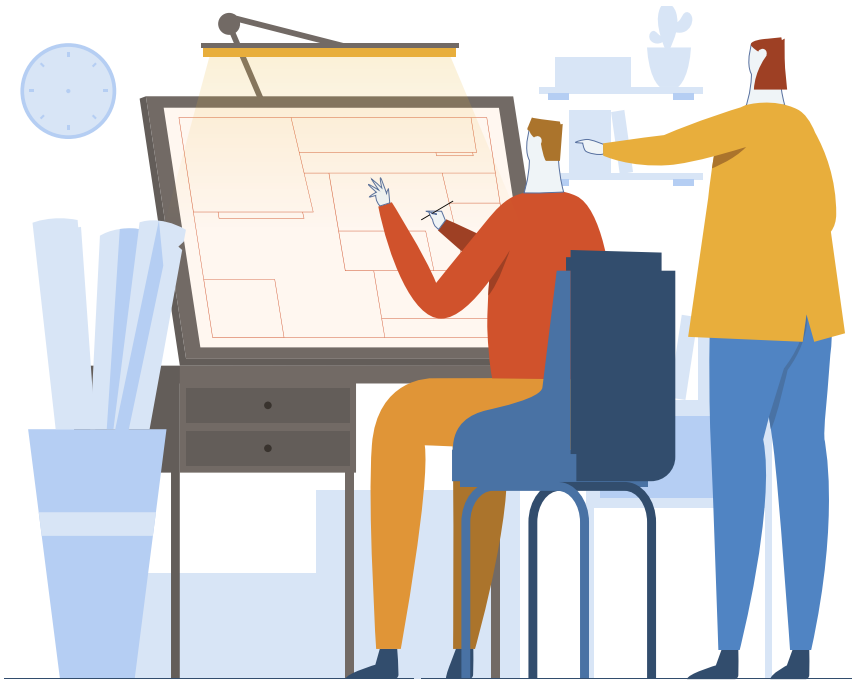
Registered building engineering associates may, subject to the determination of the certifying building surveyor and/or permit authority, be 'appropriately qualified persons' in accordance with the NCC definition. As an appropriately qualified person, building engineering associates may provide a certificate or report as evidence of suitability in accordance with the NCC Part A5.2, or undertake any other work that the NCC states may be done by an appropriately qualified person

Prescriptive standards

Professional engineering work is defined as being engineering work that requires, or is based on, the application of engineering principles and data to a design, or construction or production activity, relating to engineering; but **does not include engineering work that is done only in accordance with a prescriptive standard.**

Technical engineering work means engineering work that requires, or is based on, the application of engineering principles and data to a design, or construction or production activity, relating to engineering, and **is done in accordance with a prescriptive standard.**

The definition of 'prescriptive standard' is therefore key to deciphering both of these definitions.



A prescriptive standard is defined as being a document that states procedures or criteria —

a) for carrying out a design, or a construction or production activity, relating to engineering; and

b) the application of which, to the carrying out of the design, or the construction or production activity, does not require advanced scientifically based calculations.

A prescriptive standard must be a document, and:

1. state procedures or criteria for carrying out the design, or the construction or production activity to which it relates;

2. require little or no engineering judgement to apply the stated procedures or criteria; and

3. not require advanced, scientifically-based calculations to apply the stated procedures or criteria.

An example of a prescriptive standard is AS1684 *Residential Timber Framed Construction*.

A prescriptive standard may be published by a body such as Standards Australia, or produced by an individual engineer for application in particular circumstances. However, many Australian Standards will not meet the definition of 'prescriptive standard' because, for example, they require the exercise of judgement, or require advanced, scientifically-based calculations.

Procedures documented in a prescriptive standard must not require a choice or judgement, based on engineering knowledge or experience, to be made in applying them. A prescriptive standard may require the use of mathematical formulae to apply the documented procedures. Calculations required by a prescriptive standard must be those that could be performed by a person without the level of knowledge and experience of a professional engineer.

A decision to use a prescriptive standard may be a professional engineering service if it requires professional judgement about which prescriptive standard to apply in a particular situation. Alternatively, if a prescriptive standard defines precisely the circumstances in which it may be used, and it is used only in accordance with these requirements, then the decision to apply it may be technical engineering work.

However, the areas and levels of registration are defined by qualification, rather than type of work undertaken. And people are required to be registered to undertake both professional and technical engineering work. So defining the boundary between professional and technical engineering work is arguably both simpler and less imperative in WA than it is in jurisdictions which only regulate professional engineering work.

3. How To Get Registered

3.1. Contractor and Practitioner registration

The Building Services (Registration) Act 2011 (the BSR Act) provides for registration of individuals as practitioners, and businesses as contractors. Briefly:

- a practitioner is an individual, with qualifications, experience and competence to undertake engineering work; and
- a contractor is a business, with insurance, management, supervisory and financial capacity to provide services to consumers.

A registered contractor must have at least one registered practitioner as a nominated supervisor. Tables 1 and 2 outline the requirements to be registered as a building engineering practitioner and contractor in each area and level, and the regulated scopes of work for each level of contractor registration.

Registration application forms are available for practitioner, contractor (individual), contractor (partnership) and contractor (company).

Practitioners

A practitioner is an individual who carries out a prescribed building service. The service prescribed for a building engineering practitioner is "building engineering work", which includes design, construction and production activities relating to buildings (see Appendix A).

If you are doing building engineering work, including design, construction or production activities for a building in WA, you need to be registered as a building engineering practitioner

For example, building engineering work includes designing bespoke components to be prefabricated or constructed for a building. However, designing generic products or materials, which may be used in a building is not likely to be building engineering work.

You may be registered as a building engineering practitioner if you meet the prescribed requirements for qualifications, experience and competence, and fitness and propriety (see table 1). Building engineering practitioners are registered by both area (civil, structural, mechanical, fire safety) and level (professional, technologist, associate).

Qualifications

To be eligible for registration as a building engineering practitioner you must have a certificate from an approved assessment entity certifying that you meet the minimum qualifications, experience and competencies in one or more of the prescribed areas and levels of building engineering.[2] You can find details of approved assessment entities on Building and Energy's website.

The qualifications prescribed for each category of registration are listed in Table 1.

Table 1: Overview of building engineering practitioner registration framework

Practitioner Registration					
Area	**Level**	**Qualification**	**Experience**	**Fit & proper***	**CPD****
Civil	Professional	Qualification in civil engineering accredited under the Washington Accord	5 yrs	Yes	150 hrs/ 3 yrs
	Technologist	Qualification in engineering technology, science or design in the civil discipline accredited under the Sydney Accord	5 yrs	Yes	150 hrs/ 3 yrs
	Associate	Qualification in civil design, construction or drafting accredited under the Dublin Accord	5 yrs	Yes	150 hrs/ 3 yrs
Structural	Professional	Qualification in civil or structural engineering accredited under the Washington Accord	5 yrs	Yes	150 hrs/ 3 yrs
	Technologist	Qualification in engineering technology, science or design in the structural discipline accredited under the Sydney Accord	5 yrs	Yes	150 hrs/ 3 yrs
	Associate	Qualification in structural design or drafting accredited under the Dublin Accord	5 yrs	Yes	150 hrs/ 3 yrs
Mechanical	Professional	Qualification in mechanical engineering accredited under the Washington Accord	5 yrs	Yes	150 hrs/ 3 yrs
	Technologist	Qualification in engineering technology, science or design in the mechanical discipline accredited under the Sydney Accord	5 yrs	Yes	150 hrs/ 3 yrs
	Associate	Qualification in mechanical design or drafting accredited under the Dublin Accord	5 yrs	Yes	150 hrs/ 3 yrs
Fire Safety	Professional	Qualification in a relevant field of engineering accredited under the Washington Accord, and a Graduate Diploma or Master degree in fire engineering if the foundation degree is not in Fire Engineering	5 yrs	Yes	150 hrs/ 3 yrs
Fire Systems	Technologist	Diploma in fire systems design with units relevant to one or more prescribed fire systems	5 yrs	Yes	60 hrs/ 3 yrs
	Associate	Diploma in fire systems design with units relevant to one or more prescribed fire systems	3 yrs	Yes	50 hrs/ 3 yrs

* The fitness and propriety assessment includes an Australian police check dated within 3 months of your application, and declaration of any disciplinary proceedings, outstanding court debts, insolvency, etc.
**CPD is assessed on renewal of registration only.

Table 2: Overview of building engineering contractor registration framework

Contractor Registration			
Level	**Insurance**	**Financial capacity**	**Permitted work**
Professional	Adequate PII	Solvent and able to pay debts	Unlimited professional and technical engineering work
Technologist	Adequate PII	Solvent and able to pay debts	Medium rise technical engineering work
Associate	Adequate PII	Solvent and able to pay debts	Low rise technical engineering work
Fire systems - technologist	Adequate PII	Solvent and able to pay debts	Unlimited technical fire engineering work
Fire systems - associate	Adequate PII	Solvent and able to pay debts	Medium rise technical fire engineering work

2 Building Services (Registration) Regulations 2011 r.28M(6)

An application for registration as a building engineering practitioner must include certification of qualifications and experience from an approved assessment entity, or it cannot be processed and considered by the Board. Before preparing your application for registration, you must arrange for an approved assessment entity to assess and certify that your experience and qualifications satisfies the requirements in the Regulations.

Approved assessment entities can charge a fee for their service, which may differ depending on a range of factors. You should discuss these fees with your preferred assessment entity.

Experience and competence

The experience prescribed for each category of registration is generally **5 years of full-time, relevant building engineering experience in the past 10 years, with at least 4 years being post-graduate. The period of experience is measured backwards from the date of applying for registration.**

The exception is fire systems technologists and associates. Technologists must demonstrate 5 years of full-time **relevant building engineering experience in the past 10 years. The experience need not be post-graduate. Associates must only demonstrate 3 years of full-time, relevant building engineering experience in the past 6 years.**

'Relevant' experience is defined as being experience demonstrating, at a level appropriate to the qualification, the following competencies:

a) engineering knowledge relevant to the applicant's area of practice, including a knowledge of any relevant standards and practices;

b) the practice of building engineering;

c) the development of safe and sustainable solutions to engineering problems or issues;

d) the identification, assessment and management of risks; and

e) the handling of ethical issues.

Alternative qualifications

It is not necessary for you to have precisely the qualification and experience prescribed, to be registered. The prescribed qualifications and experience provide a benchmark for assessment entities to assess alternatives against. The Regulations require assessment entities to certify that your qualifications and experience, considered together, are equivalent to, or exceed, the prescribed benchmark. This allows for a composite assessment of alternative qualifications and experience, to determine that your competence meets or exceeds the prescribed benchmark.

Dual registration

If you have qualifications, experience and competence across multiple areas of engineering, you will be able to register as a practitioner in each area in which you meet the prescribed requirements. An assessment entity can verify in which areas you meet the requirements to be registered.

You can be registered in multiple areas under a single application and registration fee, so long as a single application is made.

For people registering during the initial transition periods, this is best done between 1 July 2025 and 30 Jun 2026, when registration has commenced in all four areas of engineering, but is not yet mandatory for any area (see figure 2). After the transition periods expire, applications for dual registrations in any areas may be submitted at any time.

Contractors

If you are contracting for building engineering work, including design, construction or production activities for a building, for another person, you need to be registered as a building engineering contractor at the appropriate level.

The BSR Act prohibits you from carrying out building engineering work "for any other person" unless you are registered as a building engineering contractor.[3] A "person" includes a public body, company, association or body of persons, either corporate or unincorporated.[4]

To be registered as a contractor, a business must demonstrate an adequate level of professional indemnity insurance, and financial and organisational capacity (see table 2).

3 Building Services (Registration) Act 2011 s.7
4 Interpretation Act 1984 s.5

Nominated supervisor(s)

Building engineering contractors must have at least one nominated supervisor to manage and supervise the building engineering work. The nominated supervisor must be a person registered as a building engineering practitioner at the same, or a higher, level.

A registered building engineering contractor and a nominated supervisor are both responsible for ensuring that any building engineering services carried out are properly managed and supervised.[5] It is therefore advisable for a registered building engineering contractor to have:

1. at least one nominated supervisor registered as a practitioner in each of the areas of building engineering that the contractor provides services in; and
2. Sufficient engineers registered as practitioners in each area of building engineering work to properly supervise the volume and geographical distribution of work being done.

However, it is not required that every employee who carries out building engineering work be a registered practitioner (see Supervision).

Level

Building engineering contractors are registered by level only, that is: professional, technologist or associate. This means that a multi-disciplinary firm does not need to specify the areas of engineering in which it intends to provide services, and will also not need to apply for an amended registration certificate if its areas of practice change, for example due to staff changes.

The exception to this rule is fire systems technologists and associates, which are registered by both area and level (see table 2). This is because the permitted scopes of work for fire systems technologists and associates are unlimited and medium rise buildings respectively. (Technologists and associates in other areas of engineering work on medium rise and low rise buildings respectively.) To allow a different scope of work for fire systems technologists and associates requires a separate class of contractor registration.

5 Building Services (Registration) Act 2011 s.53(f) and (g)

3.2. Commencement and transition

Registration of building engineers is being implemented in two stages:

1. Registration of **structural** and **fire safety** building engineers will commence from **1 July 2024**;
2. Registration of **civil** and **mechanical** building engineers will commence from **1 July 2025**.

A two-year transition period applies for each stage, during which unregistered people may lawfully continue to do building engineering work (see figure 2).

Registration will become mandatory for structural and fire safety engineers on 1 July 2026, and for civil and mechanical engineers on 1 July 2027. Any person performing building engineering work after these dates without the required registration will commit an offence and could be liable for a fine of up to $25,000.

Figure 2: Commencement and transition arrangements to register building engineers

NB: the period outlined in red – 1 July 2025 to 30 June 2026 – is when people can apply to be registered in multiple areas across stages, for example structural and civil.

Applications for registration cannot be accepted or considered by the Board until after the commencement dates specified.

However, it is important that you start considering what arrangements may be required to ensure you are registered by the end dates specified above (i.e. 1 July 2026 for structural and fire safety, and 1 July 2027 for civil and mechanical engineers).

This may include contacting approved assessment entities to discuss the process to assess your qualifications and experience, and/or consider any further training requirements you may need to meet.

4. Expectations for registered building engineers

4.1. Management and supervision

A registered building engineering contractor must have arrangements in place to ensure that the building engineering services it carries out are managed and supervised in a proficient manner. Failure to properly manage and supervise building engineering services is a disciplinary matter.[6]

Where a building engineering contractor carries out building engineering work in multiple areas or levels, it must ensure that the work is managed and supervised by building engineering practitioners registered in the relevant areas and levels for the services being provided. For example, a multi-disciplinary building engineering contractor could be expected to employ at least one building engineering practitioner registered at the required area and level for each of the engineering services being offered to clients.

It is the responsibility of building engineering contractors to ensure that all building engineering work the contractor carries out is properly managed and supervised. This includes determining the appropriate number of registered building engineering practitioners required to undertake both the volume and geographical distribution of work.

4.2. Professional Indemnity Insurance

The BSR Act and Regulations provide that registered building engineering contractors:

- must satisfy the Board they have adequate PII to be registered to provide prescribed building services to consumers,[7] and
- commit a disciplinary offence by providing building services without maintaining PII required to be registered.[8]

Building engineering contractors should assess the adequacy of PII in accordance with the Board's policy before making an application for registration and during the term of their registration.

It is expected that building engineering contractors will renew and maintain their insurance cover for the period of registration.

6 Building Services (Registration) Act 2011 s.18(1)(e) and 53(1)(f)
7 Building Services (Registration) Act 2011 s.18(1)(c); Building Services (Registration) Regulations 2011 r.28F and 28Q
8 Building Services (Registration) Act 2011 s.53(1)(b)

Section 33 of the BSR Act requires registered building engineers to give the Board written notice of any change in circumstances that affect their eligibility to remain registered. A change in a contractor's insurance arrangements could constitute such a change in circumstances. Notification to the Board must be sent to be.info@dmirs.wa.gov.au within seven days after the change in circumstances.

The penalty for the offence of not notifying the Board is a fine of $10,000.

4.3. Registration obligations

Under the BSR Act, registered practitioners and contractors have certain obligations.[9] As a registered building engineer you must:

- Notify the Board if you:
  - change your contact details, including a change of address;
  - add, replace or remove a nominated supervisor;
  - appoint a new director;
  - are unable to meet your financial obligations as and when they fall due;
  - are subject to disciplinary action under any of the Acts prescribed in r.11 of the BSR Regulations, including:
    - *Design and Building Practitioners Act 2020* (New South Wales)
    - *Professional Engineers Act 2002* (Queensland)
    - *Professional Engineers Registration Act 2019* (Victoria); and
- Return your registration certificate if your registration is amended, suspended or cancelled.

Links have been provided to the prescribed notification forms, where applicable. Notification should otherwise be provided by email to be.info@dmirs.wa.gov.au

4.4. Code of Conduct

Registered building engineers working in WA are bound by a Code of Conduct (the Code).[10] The Code sets out minimum expectations of building engineers undertaking building engineering work in WA to fulfil their duties and obligations within a framework of integrity, care for the public, and competency.

9 Building Services (Registration) Act 2011 s.21(4) and 32-37
10 Building Services (Complaint Resolution and Administration) Act 2011 s.96

The Code will assist the Building Commissioner, the Board and the State Administrative Tribunal to determine disciplinary matters in relation to registered building engineers. While a breach of the Code is not a disciplinary matter in itself, it may be taken into account in determining questions that arise in relation to a disciplinary proceeding.[11]

Area of competence

The BSR Act and the Code require registered building engineers to work within the limits of their professional expertise. This means only undertaking building engineering work that falls within the scope of their registration and competence.

This requirement recognises that each area and level of building engineering work is extremely broad. It is not possible, or even desirable, to require that building engineers be capable of undertaking every possible type of work before allowing them to be registered. Instead, registered building engineering practitioners are expected to critically self-assess their knowledge, skills and experience for work within their registration.

For example, if a professional building engineer – fire safety holds an unrestricted registration, but has never worked on a Class 9a building or has not done so for many years, then the work would be outside their experience and therefore be beyond their professional competency. Instead, the work should be done under the supervision of a competent person.

In addition, there is significant overlap between the work undertaken across the different areas of building engineering. However, it is not intended to define rigid boundaries between the areas of building engineering work. Nor is it intended to require that building engineers be registered in each and every area that their work might fall under so long as the area of engineering they are registered in covers the work that they actually do.

Building engineering work that falls within the overlap between different areas may be undertaken by a building engineer registered in any appropriate area, who is competent to do the work.

In addition to the overlap between the areas of building engineering, there can also be some uncertainty in defining the precise boundary between professional and technical building engineering work. As with the areas of building engineering, a building engineer's level of registration is defined by their qualification, rather than their scope of work. This can generate overlap in the scopes of work between different levels.

So long as a building engineer works within the scope of the registration they hold, and they are competent to do any work they contract for, they will meet the requirements of the Code.

11 Building Services (Registration) Act 2011 (WA) s.53(3)

Appendix A – Terminology

Building engineering work –

a) means either of the following that relates to a building –

i. professional engineering work for an area of registration;

ii. technical engineering work for an area of registration; and

b) includes the examination of plans and specifications to provide building design solutions in line with engineering principles, data and calculations, except building design solutions that comprise plumbing work.

Incidental structure means a structure attached to, or incidental to, a building and includes –

a) a chimney, mast, swimming pool, fence, free-standing wall, retaining wall or permanent protection structure; and

b) a part of a structure

Low rise buildings are:

a) Class 1 and 10 buildings; and

b) Class 2-9 buildings up to 2000m^2, of Type C construction only.

Medium rise buildings are:

a) Class 1 and 10 buildings; and

b) Class 2-9 buildings up to a maximum of 3 storeys above a class 7a storey, but not Type A construction except for class 2, 3 and 9 buildings.

Prescribed fire system means any of the following —

a) a hydraulic fire safety system, including —

i. a fire hydrant system;

ii. a fire hose reel system;

iii. a fire sprinkler system (whether a wall wetting sprinkler, drencher system or other system); and

iv. any type of automatic fire suppression system of a hydraulic nature;

b) a fire detection and alarm system; and

c) a mechanical ducted smoke control system.

Prescriptive standard means a document that states procedures or criteria —

a) for carrying out a design, or a construction or production activity, relating to engineering; and

b) the application of which, to the carrying out of the design, or construction or production activity, does not require advanced scientifically based calculations.

An example of a prescriptive standard is AS1684 *Residential Timber Framed Construction.*

Professional engineering work means engineering work that requires, or is based on, the application of engineering principles and data to a design, or construction or production activity, relating to engineering; but does not include engineering work that is done only in accordance with a prescriptive standard.

Technical engineering work means engineering work that requires, or is based on, the application of engineering principles and data to a design, or construction or production activity, relating to engineering, and is done in accordance with a prescriptive standard.

Appendix B – Bibliography

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