Design and Building Practitioners Regulation 2021

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New South Wales

Status Information

Currency of version

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Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Does not include amendments by**
  Sch 2, cl 21(6) and (7) of this Regulation (Sch 2, cl 21(6) repeals Sch 2, cl 21(3) and (6) at the end of 30.6.2022; Sch 2, cl 21(7) repeals Sch 2, cl 21(3)(b)(iii) and (7) at the end of 28.2.2022)
- **See also**
  Licensing and Registration (Uniform Procedures) Amendment Bill 2021
- **Staged repeal status**
  This legislation is currently due to be automatically repealed under the Subordinate Legislation Act 1989 on 1 September 2026

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the Interpretation Act 1987.

File last modified 10 December 2021

Design and Building Practitioners Regulation 2021

New South Wales

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Design and Building Practitioners Regulation 2021

New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Design and Building Practitioners Regulation 2021*.

2 Commencement

This Regulation commences on 1 July 2021 and is required to be published on the NSW legislation website.

3 Definitions

The Dictionary to this Regulation defines certain terms used in this Regulation.

Note—

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

Part 2 Regulated designs and types of work

Division 1 Requirements relating to regulated designs

4 Application of Division

This Division applies to a regulated design for which a compliance declaration is required to be provided under the Act and this Regulation.

Note—

Section 5(3) of the Act provides that the Minister may, by order, specify particulars that are additional to those prescribed by this Regulation for regulated designs.

5 Form and content of regulated designs involving performance solutions

(1) For the purposes of section 5(2) of the Act, a regulated design that is prepared for a performance solution for building work, including a building element, must be in the form of a report that includes the following—

(a) relevant plans that show, or specifications that describe, the physical elements of the performance solution, if any,

(b) a description and justification of the performance solution, including—

(i) the acceptance criteria and parameters on which the justification is based, and

(ii) a description of the physical elements of the performance solution, and

(iii) restrictions or conditions of the performance solution, and

(iv) a copy of the brief on which the justification of the performance solution is based,

(c) a statement that the performance solution complies with the relevant performance requirements of the *Building Code of Australia*,

(d) information that identifies the deemed-to-satisfy provisions of the *Building Code of Australia* being varied, where relevant.

(2) A report for a regulated design that is prepared for a performance solution must comply with the applicable evidence requirements for the design specified in the *Building Code of Australia*, Volume 1, Part A2.2.

(3) In this clause—

deemed-to-satisfy provisions has the same meaning as in the *Building Code of Australia*.

6 Content of regulated designs involving fire resisting building elements

(1) For the purposes of section 5(2) of the Act, a fire resisting regulated design must include information, whether written, in the form of a drawing or otherwise, that explains how a fire-resistance level will be achieved and maintained in circumstances where a penetration to a building element occurs—

(a) during the installation or maintenance of services in relation to building work, or

(b) at another time during the building work.

Note—

The *Building Code of Australia* specifies requirements for when a service that penetrates a building element must have a particular fire-resistance level, and other requirements for service penetrations.

(2) In this clause—

fire resisting regulated design means a regulated design that includes—

(a) a building element that is required to have a fire-resistance level under the *Building Code of Australia*, or

(b) a floor or ceiling that is required to have resistance to the incipient spread of fire under the *Building Code of Australia*.

7 Regulated designs relating to integration of vertical transportation products in buildings

(1) For the purposes of section 5(2) of the Act, a regulated design for building work relating to the integration of a vertical transportation product in a building to which the building work relates must include the registration number of the product if the product is used, or is proposed to be used, in a workplace.

Note—

The *Work Health and Safety Act 2011*, section 42, provides that the design of a vertical transportation product that is used in a workplace must be authorised in accordance with the *Work Health and Safety Regulation 2017*.

(2) In this clause—

registration number means the registration number for the vertical transportation product referred to in the *Work Health and Safety Regulation 2017*, clause 273.

workplace has the same meaning as in the *Work Health and Safety Act 2011*.

Division 2 Requirements relating to compliance declarations

8 Further applicable requirements for design compliance declarations

For the purposes of section 8(1)(b) of the Act, it is an applicable requirement that a regulated design must, as far as is reasonably practicable, integrate details of the following—

(a) other aspects of building work to which the design relates,

(b) other regulated designs for the work, including designs prepared by other registered design practitioners for building work.

9 Further matters to be included in design compliance declarations

(1) For the purposes of section 8(1)(d) of the Act, a design compliance declaration must include the following matters—

(a) whether or not any building product referred to in the design would, if used in a way that is consistent with the design, achieve compliance with the *Building Code of Australia*,

(b) whether or not the design to which the compliance declaration relates involves a performance solution,

(c) whether or not the design accords with relevant elements of guidance material for regulated designs that have been approved by the Secretary and published on a

website of the Department,

(d) whether or not specialist advice was sought and considered in preparing the design,

(e) for a registered design practitioner in the class of design practitioner—vertical transportation—

(i) whether or not the design appropriately integrates a vertical transportation product in accordance with the product's authorisation under the *Work Health and Safety Act 2011*, section 42, and

(ii) if the design does not appropriately integrate the vertical transportation product—whether or not the practitioner has advised the designer of the product, within the meaning of the *Work Health and Safety Act 2011*, section 22, of that fact, and

(iii) whether or not the integration of the vertical transportation product in the design for building work achieves compliance with the requirements of AS 1735*, Lifts, Escalators, and Moving Walks*, as in force from time to time.

(2) In this clause—

building product includes a material or other thing that is, or could be, used in a building.

10 Content of principal compliance declarations provided before commencement of building work

For the purposes of section 107(5) of the Act, a registered principal design practitioner is exempt from the requirement to include the matters referred to in section 8(2)(a) and (b) of the Act in a principal compliance declaration if—

(a) the practitioner is providing the compliance declaration in accordance with clause 21(a), and

(b) the principal compliance declaration includes the following matters—

(i) whether or not a design compliance declaration has been provided in accordance with the Act for each construction issued regulated design prepared for the building work,

(ii) whether or not each design compliance declaration for the designs referred to in subparagraph (i) has been provided by a registered design practitioner whose registration authorises the practitioner to provide a declaration as to the matters to which the declaration relates.

11 Form of compliance declarations

(1) For the purposes of section 8(1) of the Act, a design compliance declaration must be made in 1 of the following forms—

(a) a form approved by the Secretary and published on a website of the Department,

(b) a form specified on the NSW planning portal.

(2) For the purposes of section 8(2) of the Act, a principal compliance declaration must be made in the form specified on the NSW planning portal.

(3) For the purposes of section 8(3) of the Act, a building compliance declaration must be made in the form specified on the NSW planning portal.

Division 3 Building work

12 Prescribed classes or types of building—building work

For the purposes of section 4(1) of the Act, definition of ***building work***, a building is prescribed if the building, or a part of the building, is a class 2 building.

Example—

The Act and this Regulation apply to a mixed-use building comprising class 2, class 3 and class 6 buildings, including the building's class 3 and class 6 building parts.

13 Certain work excluded from being building work

(1) For the purposes of section 4(1) and (2)(b) of the Act, the following work is excluded from being building work—

(a) work that is carried out as exempt development, other than waterproofing,

(b) work that is waterproofing, but only if—

(i) the work is carried out as a result of alterations to a bathroom, kitchen, laundry or toilet, and

(ii) the alterations are carried out as exempt development, and

(iii) the work, including the agreement to carry out the work, relates only to a single dwelling,

(c) work that is carried out in compliance with an order given by a council for the purposes of the *Local Government Act 1993*, section 124,

(d) work that is carried out in compliance with a development control order under the *Environmental Planning and Assessment Act 1979*, Division 9.3,

(e) work that is exempted from a provision of the *Building Code of Australia* under the *Environmental Planning and Assessment Regulation 2000*, clauses 164B, 187 or

188,

(f) work that is the repair, renovation or protective treatment of a fire safety system for the purposes of maintaining a component of the fire safety system, except a load-bearing component that is essential to the stability of a building,

(g) work that is the repair, renovation or protective treatment of a building, but only if—

(i) the work involves a mechanical, plumbing or electrical service, and

(ii) the work is carried out for the purposes of maintaining a component of a system in the building,

(h) work that is excluded from being residential building work in the *Home Building Act 1989*, Schedule 1, clause 2(3)(a), as if a reference to residential building work in that Act is a reference to building work,

(i) work that is carried out under a contract for which a party to the contract received a grant under the HomeBuilder Grant scheme for the work,

(j) electrical or plumbing work that is a performance solution for building work, other than work for a building element, but only for the purposes of section 5(1)(b) of the Act,

(k) work that is the fit-out of part of a building, but only—

(i) if the part of the building is a class 5 or 6 building part or will be a class 5 or 6 building part as a result of a change of building use connected with the work, and

(ii) if the work is the subject of a development consent that primarily relates to the fit-out, and

(iii) to the extent the work does not relate to a structural component of the building.

(2) The work referred to in subclause (1)(c) and (d) is not excluded from being building work if the order to which the work relates is for the purposes of repairing, rectifying or replacing the external cladding of a building.

(3) The work referred to in subclause (1)(f) is not excluded from being building work if—

(a) the maintenance is carried out on a component of a fire safety system, and

(b) the maintenance comprises the replacement of the component, and

(c) that component is an entire system.

Example—

If a fire safety system is comprised of components, including a mechanical ducted smoke control system and fire rated doors, the replacement of the mechanical ducted system component is not excluded from being building work because that work would constitute the replacement of a component that is an entire system.

(4) In this clause—

change of building use, ***development consent*** and ***exempt development*** have the same meanings as in the *Environmental Planning and Assessment Act 1979*.

structural component, of a building, means an internal or external load-bearing component of the building that is essential to the stability of the building or a part of it, including in-ground and other foundations and footings, floors, walls, roofs, columns and beams.

Division 4 Professional engineering work

14 Certain work is excluded from being professional engineering work

(1) For the purposes of section 31(2)(b) of the Act, engineering work is not professional engineering work unless the work is carried out directly in relation to the design or construction of a building if the building, or a part of the building, is a class 2 building.

Example—

The Act and this Regulation apply to a mixed-use building comprising class 2, class 3 and class 6 buildings, including the building's class 3 and class 6 building parts.

(2) In this clause—

construction includes—

(a) the making of alterations or additions to a building, and

(b) the repair, renovation or protective treatment of a building.

15 Further areas of engineering

Geotechnical engineering is prescribed for the purposes of section 32(3) of the Act, definition of ***prescribed area of engineering***, paragraph (f).

Part 3 Requirements for designs and building work

Division 1 Lodgment of designs and compliance declarations

16 Lodgment on NSW planning portal before building work commences

(1) For the purposes of section 107(2)(e) of the Act, a building practitioner must provide the following documents to the Secretary in the approved way before commencing building work—

(a) copies of the construction issued regulated designs for the building work,

(b) copies of the design compliance declarations, made by a suitably authorised registered design practitioner for each of the construction issued regulated designs,

(c) if a registered principal design practitioner is appointed for the building work—a principal compliance declaration, made by a suitably authorised registered principal design practitioner, for the construction issued regulated designs.

Maximum penalty—200 penalty units for a body corporate or 100 penalty units for an individual.

(2) A registered building practitioner satisfies the practitioner's obligation to provide documents under this clause if—

(a) the practitioner gives written authorisation for the documents to be provided on the practitioner's behalf by an appropriate practitioner in connection with the building work, and

(b) the appropriate practitioner who is authorised provides the documents to the Secretary in accordance with this clause.

(3) In this clause—

appropriate practitioner in connection with building work means—

(a) if a registered principal design practitioner is appointed for the building work—the registered principal design practitioner, or

(b) the registered design practitioner for the building work.

17 Lodgment on NSW planning portal after building work commences

(1) For the purposes of section 107(2)(e) of the Act, a building practitioner must provide the following documents to the Secretary in the approved way no later than 1 day after commencing a variation to building work—

(a) a copy of each design compliance declaration given under section 9(3)(b) of the Act for a varied regulated design,

(b) a copy of the varied regulated design,

(c) a copy of each design compliance declaration obtained under section 20(3) of the Act for a new building element or performance solution,

(d) a copy of the regulated design for the new building element or performance solution.

Maximum penalty—200 penalty units for a body corporate or 100 penalty units for an individual.

(2) It is a defence to a prosecution for an offence under subclause (1) if the defendant satisfies the court that the defendant had a reasonable excuse for the alleged failure to provide the documents.

(3) A registered building practitioner satisfies the practitioner's obligation to provide documents under this clause if—

(a) the practitioner gives written authorisation for the documents to be provided on the practitioner's behalf by an appropriate practitioner in connection with the building work, and

(b) the appropriate practitioner who is authorised provides the documents to the Secretary in accordance with this clause.

(4) In this clause—

appropriate practitioner in connection with building work means—

(a) if a registered principal design practitioner is appointed for the building work—the registered principal design practitioner, or

(b) the registered design practitioner for the building work.

18 Lodgment on NSW planning portal before issue of occupation certificate

(1) For the purposes of section 17(2) of the Act, a building practitioner for building work must provide a building compliance declaration, contractor document and other required documents to the Secretary, in the approved way, in the following circumstances—

(a) before an application is made for an occupation certificate for a building to which the building work relates,

(b) if the application is refused because of an instance of non-compliance—before a subsequent application for an occupation certificate is made for the applicable part of the building.

Note—

Section 27 of the Act provides that a principal certifier who is responsible for issuing an occupation certificate for building work must consider instances of non-compliance specified in the compliance declarations provided to the certifier when deciding whether to issue the certificate.

(2) For the purposes of section 17(6) of the Act, definition of ***required document***, the following documents are prescribed as documents that are required to accompany a building compliance declaration—

(a) a copy of each variation statement that is required for building work,

(b) a copy of each regulated design that contains additional details not reflected in the construction issued regulated design required to be provided to the Secretary under clause 16, but only if the additional details do not cause the building work to which the design relates to be varied,

(c) if a principal design practitioner is appointed for building work—the principal compliance declaration for all regulated designs from a registered principal design practitioner whose registration authorises the practitioner to provide a declaration as to the matters to which the declaration relates.

19 Lodgment on NSW planning portal after issue of occupation certificate

(1) For the purposes of section 15(2) of the Act, a building practitioner who does building work must provide the Secretary with the relevant documents in the approved way.

(2) For the purposes of the Act, section 107(5), a building practitioner is exempt from the requirement referred to in the Act, section 15(1) to ensure that a relevant document is provided to the Secretary if—

(a) the relevant document has already been provided to the Secretary in accordance with clauses 16–18 and the document—

(i) has not been modified since it was last provided to the Secretary, and

(ii) is not required to be modified from when it was last provided to the Secretary, and

(b) the building practitioner gives written notice to the Secretary of the matters set out in paragraph (a).

19A Lodgment on NSW planning portal for other building work—the Act, s 17(2)

(1) This clause applies to building work that does not require an occupation certificate.

(2) A registered building practitioner must provide the following documents to the Secretary, in the approved way, within 7 days of completing the building work—

(a) a building compliance declaration for the building work,

(b) contractor document,

(c) other required documents.

(3) The registered building practitioner must also, within 7 days of completing the building work, provide the documents specified in subclause (2) to a person for whom the practitioner did the building work.

(4) In this clause—

required document means a document prescribed in clause 18(2).

20 Documents may only be lodged by registered practitioners

For the purposes of section 107(2)(d) of the Act, a person must not provide any documents referred to in this Division to the Secretary unless—

(a) the person is a registered design practitioner, registered principal design practitioner or registered building practitioner, and

(b) the person's registration authorises the person to provide the documents to the Secretary in accordance with this Division.

Maximum penalty—200 penalty units in the case of a body corporate or 100 penalty units in the case of an individual.

Division 2 Requirements relating to principal design practitioners

21 Circumstances in which principal compliance declaration must be provided

For the purposes of section 12(2) of the Act, a registered principal design practitioner appointed in relation to building work must provide a principal compliance declaration to the registered building practitioner for the building work—

(a) for all of the construction issued regulated designs for building work—before the date specified in the notice given by a registered building practitioner for the work under clause 24, and

(b) for all of the regulated designs for building work other than construction issued regulated designs—before the date specified in the notice given by a registered building practitioner for the work under clause 25.

22 Exemption from certain requirements relating to work

For the purposes of section 107(5) of the Act, a registered principal design practitioner appointed in relation to building work must comply with the requirements for work set out in section 12(1) of the Act only in circumstances where the practitioner is required to provide a principal compliance declaration to another person under the Act and this Regulation.

Division 3 Requirements relating to building practitioners

23 Notice of building work commencing must be given

For the purposes of section 107(2)(f) of the Act, a registered building practitioner in relation to building work must, at least 14 days before the building work commences, give written notice to a registered principal design practitioner appointed in relation to the

work of the date on which the work is proposed to commence.

Maximum penalty—200 penalty units for a body corporate or 100 penalty units for an individual.

24 Notice of building compliance declaration must be given

For the purposes of section 107(2)(f) of the Act, a registered building practitioner must, at least 14 days before making a building compliance declaration in relation to building work, give written notice to a registered principal design practitioner appointed in relation to the work of the date on which the building practitioner proposes to make the declaration.

Maximum penalty—200 penalty units for a body corporate or 100 penalty units for an individual.

25 Time within which notice of application for occupation certificate must be provided

(1) For the purposes of section 16(3) of the Act—

(a) the notice under section 16(1) of the Act must be given at least 14 days before the application for an occupation certificate is made, and

(b) the notice under section 16(2) of the Act must be given within 7 days after the application for an occupation certificate is made.

(2) If a person who is required to give notice under section 16(1) or (2) of the Act is a registered building practitioner who did building work on a building that is the subject of an application for an occupation certificate, the person is to give the notice to any other registered building practitioner who did work on the building.

26 Further circumstances in which building compliance declaration must be provided

(1) For the purposes of section 17(2) of the Act, a registered building practitioner who carries out building work must provide a building compliance declaration, contractor document and other required documents to the Secretary in the approved way no later than 90 days after the occupation certificate is issued for a building to which the work relates.

(2) Subclause (1) applies only if the contractor document or other required documents are modified after the documents are first provided to the Secretary under Division 1.

27 Variations other than for building elements or performance solutions after building work commences

For the purposes of section 20(1) of the Act, if building work, other than in relation to a building element or performance solution, is varied from a regulated design for the work after the commencement of the work, the building practitioner must record the following information in a document (a ***variation statement***)—

(a) the type and purpose of the variation,

(b) the part of the building to which the variation relates,

(c) an explanation of how the variation meets the requirements of the *Building Code of Australia*, including a list of the applicable provisions of the Code,

(d) a list of the other standards or codes that have been applied in carrying out the work to which the variation relates.

28 Access to documents in relation to varied designs

(1) For the purposes of section 20(2)(b) and (3)(b) of the Act, a registered design practitioner may have access to the documents referred to in that section by—

(a) inspecting the documents at a specified place and time in accordance with subclause (2), or

(b) obtaining copies of the documents from the NSW planning portal.

(2) For the purposes of subclause (1)(a)—

(a) the building practitioner must give written notice to the registered design practitioner requesting the design practitioner to attend at a specified place and time to access the documents, and

(b) the place and time at which the design practitioner may be requested to attend is to be a place and time nominated by the building practitioner that is reasonable in the circumstances.

Division 4 Miscellaneous

29 Certain compliance declarations and designs must be provided before issue of building certificates

(1) For the purposes of section 26(a) of the Act, a construction certificate or a complying development certificate for building work is prohibited from being issued unless the following documents are provided to the person who issues, or proposes to issue, the certificate—

(a) each design compliance declaration to which the building work relates that is required by the person in order to issue the certificate,

(b) for each design compliance declaration—each regulated design in relation to which the design compliance declaration is made.

(2) This clause applies only if the application for the construction certificate or complying development certificate for the building work was made on or after 1 July 2021.

30 Building compliance declaration must be provided before issue of occupation certificate

(1) For the purposes of section 26(a) of the Act, an occupation certificate for building work is prohibited from being issued unless a building compliance declaration in relation to the building work has been provided to the person who issues, or proposes to issue, the occupation certificate.

(2) This clause applies only if the application for the occupation certificate for the building work was made on or after 1 July 2021.

Part 4 Registration of practitioners

Division 1 Applications for registration

31A Fees for application for registration

(1) For the purposes of the Act, section 43(3), the fees payable for an application to be registered as a practitioner are set out in Schedule 7, Part 1, Column 2.

(2) If a person applies for two or more classes of registration in relation to the same type of practitioner, in the same application, the fee payable is the fee for the class with the highest fee amount.

(3) In this clause, each of the following is a ***type of practitioner***—

(a) design practitioner,

(b) principal design practitioner,

(c) professional engineer,

(d) building practitioner.

31 Body corporates not to be registered as engineers

For the purposes of section 45(3)(g) of the Act, the Secretary must refuse to register a body corporate as a registered professional engineer.

32 Time within which notice of decision must be provided

(1) For the purposes of section 45(5) of the Act, the Secretary is taken to have refused to grant registration as a practitioner to an applicant if the Secretary fails to give the applicant notice of the Secretary's decision within 28 days after the application is made.

(2) In calculating a period for the purposes of subclause (1), any period from the day on which the Secretary makes a written request for further information from the applicant until the day on which the information is provided or the applicant refuses to provide

the information is not to be included.

(3) Subclause (1) does not prevent the Secretary from continuing to deal with an application after the expiry of that period.

33 Grounds for finding that person is not suitable person to carry out work

(1) For the purposes of section 46(e) of the Act, the Secretary may form an opinion that a person is not a suitable person to carry out work for which the person is seeking registration or is registered in one or more of the following circumstances—

(a) the person has been convicted of a relevant offence within the previous 10 years,

(b) the person is not a fit and proper person to carry out the work,

(c) the Secretary has requested the applicant for registration to provide additional information necessary for the Secretary to determine the application and the applicant fails to provide the information within the reasonable time specified by the Secretary,

(d) the Secretary has required the applicant for registration or a close associate of the applicant to provide information or produce records under section 44 of the Act and the applicant or close associate fails to provide the information within the reasonable time specified by the Secretary,

(e) the person is disqualified from holding a relevant authorisation,

(f) a relevant authorisation of the person has been suspended or cancelled, whether at the time of application or another time, other than at the person's request,

(f1) there is a condition on a relevant authorisation of the person,

(g) if the person is a body corporate—

(i) the body corporate becoming the subject of a winding up order or having a controller or administrator appointed, or

(ii) a ground referred to in section 46(a)–(d) of the Act occurs in relation to a director of the body corporate,

(h) if the person is applying for registration as a professional engineer by way of a pathway that relies on the person being recognised or registered as a professional engineer by a professional body of engineers—the person does not have adequate qualifications, knowledge or skills required for the carrying out of professional engineering work despite satisfying the requirements under that pathway.

(2) In this clause—

person, for subclause (1)(a), (b), (e) and (f), includes a director of a body corporate if

the person is a body corporate.

relevant offence means the following offences, whether committed in this or another Australian jurisdiction—

(a) an offence in relation to the carrying out of work under a relevant authorisation or an equivalent authorisation, including an offence in relation to the carrying out of work without a relevant or equivalent authorisation that is required for the work,

(b) an offence in relation to a failure to comply with a condition of registration, relevant authorisation or equivalent authorisation,

(c) an offence involving fraud or dishonesty.

34 Recognised training for registration

(1) For the purposes of section 107(2)(a) of the Act, the Secretary may require an applicant for registration as a practitioner to have successfully completed recognised training.

(2) Training is ***recognised training*** for the purposes of this clause if—

(a) the training is recognised by the Secretary, and

(b) the training is conducted in accordance with conditions of the recognition.

(3) A person may apply in writing to the Secretary for training to be recognised by the Secretary.

(4) The Secretary may, by written notice, recognise the training or refuse to recognise the training.

(5) The recognition may be unconditional or subject to conditions.

(6) The Secretary may vary, suspend or revoke a recognition by written notice to the person.

(7) Completion of recognised training under this clause does not replace the need for the applicant to have the qualifications, experience, knowledge and skills required by Schedule 2.

35 Restoration of registration

(1) For the purposes of section 47(1) of the Act, an application for the restoration of registration must be made—

(a) within 3 months after the expiry of the registration, or

(b) within a further period determined by the Secretary on the application of the person seeking the restoration of the registration.

(2) Without limiting subclause (1)(b), the Secretary may extend the period within which an application for restoration of registration may be made if the Secretary is satisfied that—

(a) for an applicant who failed to apply for renewal of the registration before the registration expired—the failure was due to inadvertence, or

(b) it is just and equitable to restore the registration.

(3) The Secretary must refuse to restore a registration if the registration was surrendered or cancelled.

(4) A certificate of registration restored at any time is taken to have been restored on and from the day on which the certificate of registration expired.

(5) Subject to this clause, the Act continues to apply to an application for the restoration of a registration in the same way it applies to an application for registration.

Note—

The definition of ***register*** in section 3(1) of the Act includes restoration of registration.

Division 2 Conditions of registration

36 Prescribed conditions for registered practitioners

(1) For the purposes of section 49(1)(a) of the Act, it is a condition of registration that a registered practitioner must surrender the registered practitioner's certificate of registration, if in a form otherwise than electronic, to the Secretary within 14 days after receiving written notice from the Secretary of the following—

(a) a condition of registration being varied,

(b) a new condition of registration being imposed.

(2) For the purposes of section 49(1)(a) of the Act, it is a condition of registration that a registered practitioner must continue to hold a class of registration or licence that was required to satisfy the qualification requirements for the class of registration under Schedule 2 in which the practitioner is registered.

(3) For the purposes of section 49(1)(a) of the Act, it is a condition of registration of a body corporate registered in the design practitioner—body corporate or principal design practitioner—body corporate class that if the body corporate no longer has an employee who is registered in a particular class, the body corporate—

(a) must not do anything that relies on it having an employee who is registered in that class, and

(b) must, within 7 days, give written notice to the Secretary that it no longer has a employee who is registered in that class.

(4) For the purposes of section 49(1)(a) of the Act, it is a condition of registration of a body corporate registered in the building practitioner—body corporate class that if the body corporate no longer has a nominee who is registered in the building practitioner—body corporate nominee or building practitioner—general class, the body corporate—

(a) must not do anything that relies on it being a registered building practitioner, and

(b) must, within 7 days, give written notice to the Secretary that it no longer has a nominee in that class.

(5) For the purposes of section 50(2) of the Act, it is a condition of registration as a practitioner that the registered practitioner must comply with the code of practice—

(a) for a prescribed practitioner—set out in Schedule 4, Part 2, Division 1, or

(b) for a registered professional engineer—set out in Schedule 4, Part 2, Division 2.

37 Additional conditions for certain registered or recognised professional engineers

(1) For the purposes of section 50(3) of the Act, it is a condition of registration as a professional engineer who was registered under the Act, because the engineer was recognised or registered in either of the following circumstances, that the engineer continue to hold that recognition or registration while the engineer is registered under the Act—

(a) recognition or registration under a recognised engineering body's recognition or registration scheme,

(b) recognition or registration by a professional body of engineers that operates with a professional standards scheme.

(2) This clause does not apply if the engineer cannot continue to hold the recognition or registration because the body—

(a) no longer provides for the recognition or registration of professional engineers, or

(b) no longer operates with a professional standards scheme.

Division 3 Recognition procedure

38 Application of Division

This Division applies to a person who—

(a) applies for, and is granted, registration as a design practitioner or renewal of registration as a design practitioner, and

(b) in the same application form, applies for registration as a principal design practitioner or renewal of registration as a principal design practitioner.

39 Recognition as a registered principal design practitioner

For the purposes of section 54(1) of the Act, a person to whom this Division applies is recognised as a registered principal design practitioner.

40 Duration of recognition as a registered principal design practitioner

For the purposes of section 54(2)(g) of the Act, recognition as a registered principal design practitioner remains in force for same period as is specified by the Secretary in the notice by which registration as a design practitioner is granted, unless sooner cancelled.

41 Application of registration provisions to recognition

For the purposes of section 54(1) of the Act, a provision under the Act or this Regulation that applies to a registered principal design practitioner, except as otherwise modified by this Division, extends to a registered principal design practitioner who is recognised under this Division.

Division 4 Miscellaneous

42 Certificates of registration may be issued in digital or physical form

(1) The Secretary may issue a certificate of registration in a physical or digital form.

(2) Provisions of the Act or this Regulation requiring a certificate of registration to be physically surrendered, lodged or returned do not apply to the digital form of the certificate.

(3) A registered practitioner who is required to produce the practitioner's certificate of registration for inspection by a person must, if opting to use the digital form of the certificate, display the certificate in a way—

(a) approved by the Secretary, and

(b) that enables the person to properly inspect the certificate.

(4) The registered practitioner is not required to hand over any device used to display the digital form of the certificate.

(5) The Secretary may remove or disable the digital form of a certificate of registration for any reason but must give the registered practitioner reasonable notice before doing so.

43 Grounds for variation, suspension or cancellation of registration

(1) For the purposes of section 52(1)(h) of the Act, the Secretary may, by written notice given to a registered practitioner, vary the practitioner's registration if the practitioner has applied for—

(a) the registration to be varied, or

(b) a condition of the registration to be varied.

(1A) An application for the variation of a practitioner's registration or a condition of a practitioner's registration must—

(a) be in a form approved by the Secretary, and

(b) include or be accompanied by information or evidence required by the Secretary to assess the application.

(2) For the purposes of section 52(1)(h) of the Act, the Secretary may, by written notice given to a registered body corporate, suspend the registration of the body corporate in a class if the body corporate no longer has the minimum qualifications, knowledge and skills required to be registered in that class because—

(a) the body corporate does not have a least 1 employee registered in that class, or

(b) the body corporate is registered as a building practitioner—body corporate and it does not have a nominee.

44 Grounds for taking disciplinary action

For the purposes of section 64(h) of the Act, the Secretary may take disciplinary action against a registered practitioner on one or more of the following grounds—

(a) the registered practitioner has failed to comply with a direction under Part 7 of the Act,

(b) the registered practitioner has intentionally or recklessly misled or obstructed the Secretary or an authorised officer in the exercise of a function under the Act,

(c) the registered practitioner has provided a compliance declaration in a partial manner.

45 Registered practitioners to provide information to Secretary

(1) For the purposes of section 51(3) of the Act, the Secretary may request information to be provided periodically or within a specified time after specified occurrences.

(2) Without limiting the type of information that may be requested by the Secretary under section 51 of the Act, the Secretary may request a record required to be kept under Part 7 of this Regulation to be provided to the Secretary.

46 Registered practitioners to notify Secretary of certain events

For the purposes of section 60(h) of the Act, a registered practitioner must give written notice to the Secretary of the following events within 7 days after becoming aware of the event—

(a) disciplinary proceedings being commenced against the practitioner in the person's capacity as the holder or former holder of a relevant authorisation,

(b) a relevant authorisation of the practitioner has been suspended or cancelled other than at the practitioner's request,

(b1) a condition is placed on a relevant authorisation of the practitioner,

(c) an equivalent authorisation or a relevant authorisation held by the practitioner being varied,

(d) disciplinary proceedings being commenced against the practitioner in another Australian jurisdiction by a government agency or a body that issues an equivalent authorisation in relation to the carrying out of work authorised to be carried out under the authorisation,

(e) if the practitioner is required to be covered by insurance—the practitioner no longer being covered by insurance,

(f) if the practitioner is a registered body corporate—

(i) a registered individual becoming an employee of the body corporate, or

(ii) a registered individual ceasing to be an employee of the body corporate,

(g) if the practitioner is required to hold a class of registration or licence that was necessary to satisfy the qualification requirements for the class of registration under Schedule 2 in which the practitioner is registered—the practitioner no longer holding that class of registration or licence.

47 Transition of certain recognised or registered professional engineers

(1) If a professional body of engineers that operates with a professional standards scheme no longer provides for the recognition or registration of professional engineers in accordance with the requirements of the scheme, a professional engineer who was recognised or registered by the body is taken to continue to be registered under the Act (a ***prescribed engineer***).

(2) A prescribed engineer must continue to comply with the insurance and continuing professional development requirements that were imposed by the body, as if the body was continuing to operate in accordance with the professional standards scheme, until the date on which the registration is due to expire or be renewed.

(3) A recognition or registration to which this clause applies remains in force for the remainder of the term of the recognition or registration, unless sooner suspended or cancelled by the Secretary.

Part 5 Recognition of professional bodies of engineers

Division 1 Preliminary

48 Recognition of professional engineering bodies

(1) For the purposes of sections 54(2)(c) and 55(2)(a)(v) of the Act, this Part sets out—

(a) the additional requirements that must be met by a professional body of engineers in order for the body to be recognised by the Secretary as a recognised engineering body, and

(b) the requirements that a professional body of engineers' recognition or registration scheme must meet (a ***recognition or registration scheme***), and

(c) the application process that a professional body of engineers must follow in order to be recognised by the Secretary as a recognised engineering body.

(2) A reference to a recognised engineering body, in relation to a body recognising or registering a professional engineer (the ***recognition function***), includes a reference to a body corporate recognised by the Secretary to exercise the recognition function of a recognised engineering body only if the body is approved to exercise that function.

49 Requirements for professional bodies of engineers

A professional body of engineers must meet the following requirements before the body is able to register or recognise professional engineers—

(a) the body must require, assess and verify qualifications, experience, knowledge, skills and the continuing professional development of professional engineers in a prescribed area of engineering,

(b) the body must assess insurance requirements of professional engineers,

(c) for professional engineers who are recognised or registered as professional engineers by the recognised engineering body, the body must—

(i) ensure that a professional engineer complies with the requirements of the professional engineer's recognition or registration, and

(ii) investigate possible failures by a professional engineer to comply with the requirements, and

(iii) exercise disciplinary functions where a failure to comply is found, including, if necessary, by suspending or cancelling a professional engineer's recognition or registration under the recognition or registration scheme.

Division 2 Applications for recognition

50 Application for recognition

(1) A body corporate may apply to the Secretary for a grant of recognition as a recognised engineering body.

(2) The application must—

(a) be in a form approved by the Secretary, and

(b) set out the applicant's recognition or registration scheme, and

(b1) be accompanied by the fee set out in Schedule 7, Part 1, Column 2, and

(c) include or be accompanied by information or evidence that the Secretary reasonably requires to assess the application.

(3) If the Secretary considers it necessary to do so, the Secretary may require further documents or information to be provided by the applicant to satisfy the Secretary of the matters set out in section 55(2) of the Act.

51 Determination of applications

(1) The Secretary may grant or refuse an application for recognition as a recognised engineering body.

(2) The Secretary is to give the applicant written notice of a decision to grant or refuse recognition.

(3) If the Secretary fails to give an applicant for recognition notice of a decision to grant or refuse recognition within 60 days after the application is made, the Secretary is taken to have refused to grant recognition.

(4) In calculating a period for the purposes of subclause (3), any period from the day on which the Secretary makes a written request for further information from the applicant until the day on which the information is provided or the applicant refuses to provide the information is not to be included.

(5) Subclause (3) does not prevent the Secretary from continuing to deal with an application after the expiry of that period.

52 Duration of recognition

Recognition remains in force for the period, not exceeding 5 years, specified by the Secretary in the notice by which recognition is granted, unless sooner revoked.

53 Revocation of recognition

(1) The Secretary may revoke recognition as a recognised engineering body on the

following grounds—

(a) the Secretary is no longer satisfied that the recognised engineering body or the recognised engineering body's recognition or registration scheme meets the requirements set out in section 55 of the Act,

(b) the recognised engineering body has applied for the recognition to be revoked.

(2) For the purposes of subclause (1)(a), the Secretary must give written notice to a recognised engineering body of the Secretary's intention to revoke recognition.

(3) In making a decision about whether or not to revoke recognition, the Secretary must take into account any written submissions made to the Secretary by the recognised engineering body.

(4) If the Secretary decides to revoke recognition, the Secretary must give the recognised engineering body written notice of the decision, including—

(a) the date or time from which the revocation takes effect, and

(b) the reasons for the revocation.

Division 3 Requirements for recognition or registration scheme

54 Processes under recognition or registration scheme

(1) A recognition or registration scheme must provide for the following—

(a) a process for the receipt, assessment and determination of applications for recognition or registration of professional engineers under the scheme, including—

(i) a process for notifying the Secretary of any applications refused by the recognised engineering body, and

(ii) a process that provides for the recognised engineering body to make a written declaration that states that the body does not have a conflict of interest, whether actual, perceived or otherwise, in carrying out an assessment of an application, and

(iii) objective assessment and verification criteria, including the qualifications, experience, knowledge, skills and continuing professional development requirements that an applicant must meet in order to be recognised or registered as a professional engineer under the scheme, and

(iv) the way in which the competence of applicants will be assessed, and

(v) a process for the internal review of decisions made by the recognised engineering body in relation to the receipt, assessment and determination of applications, and

(vi) a process for imposing conditions on a professional engineer's recognition or registration,

(b) a process for the recognition or registration of professional engineers that is fair, transparent, impartial and timely,

(c) a process for assessing whether a professional engineer is covered by insurance that provides indemnity against liability to which the professional engineer may become subject as a result of carrying out professional engineering work,

(d) publicly accessible documentation of any fees that the recognised engineering body will charge and the purpose of the fees,

(e) a process for receiving and managing complaints and resolution of disputes involving professional engineers who are recognised or registered under the scheme,

(f) a process for taking disciplinary action against professional engineers who are recognised or registered under the scheme, including—

(i) the grounds for taking disciplinary action against a recognised or registered professional engineer who fails to comply with the requirements of the scheme, and

(ii) the process for assessing whether or not disciplinary action needs to be taken, and

(iii) the type of disciplinary action that may be taken, and

(iv) a process for the internal review of decisions made by the recognised engineering body in relation to taking disciplinary action,

(g) a process for notifying the Secretary of—

(i) disciplinary action taken against a professional engineer who is recognised or registered under the scheme, and

(ii) the suspension or cancellation of a professional engineer's recognition or registration under the scheme,

(h) a process for identifying and managing conflicts of interest between the recognition function of a recognised engineering body, and the functions of the body for any other purpose.

(2) In this clause—

determination includes a determination made for the purposes of renewing or restoring recognition or registration of a professional engineer under the recognition or registration scheme.

55 Requirements for continuing professional development audit program

(1) A recognition or registration scheme must provide for an effective audit program under section 55(2)(a)(iv) of the Act that meets the following requirements—

(a) the program must be conducted at least once each year,

(b) the program must ensure that audits are carried out in relation to the continuing professional development requirements imposed under the scheme, including the records that are required to be kept by professional engineers under Schedule 3, clause 3,

(c) an audit under the program must be carried out by an auditor—

(i) with appropriate training and experience for the type of audit, and

(ii) who does not have a conflict of interest in relation to the audit,

(d) the program must ensure that an auditor who carries out an audit on behalf of the recognised engineering body makes a written declaration stating that the auditor does not have a conflict of interest, whether actual, perceived or otherwise, in carrying out the audit,

(e) a professional engineer who is recognised or registered under the scheme must be able to apply for a review of an audit under the program.

(2) A recognition or registration scheme must provide that a recognised engineering body must give written notice to the Secretary specifying information about the following matters—

(a) the results of the audit program for each year ending on 30 June in the form of a written report, including the number of audits carried out, the names of the persons who were audited and the outcomes of the audits,

(b) any errors identified under the program after the information in paragraph (a) is first given to the Secretary,

(c) a person refusing to comply with an audit for a period of more than 30 days after first being requested to do so, including the person’s name and contact details.

(3) Written notice must be given—

(a) for subclause (2)(a)—within 3 months after each year ending on 30 June, and

(b) for subclause (2)(b) and (c)—within 7 days after the matter first occurring.

56 Public website must be maintained

(1) A recognition or registration scheme must provide for a website to be maintained that includes the following information—

(a) the process for applying to the recognised engineering body to be recognised or registered as a professional engineer under the scheme, including the qualifications, knowledge, skills, experience, insurance and continuing professional development requirements for the application,

(b) the conditions imposed on professional engineers who are recognised or registered under the scheme,

(c) the grounds for taking disciplinary action against professional engineers who are recognised or registered under the scheme and the type of disciplinary action that may be taken,

(d) a searchable register of professional engineers who are currently, or were within the last 10 years, recognised or registered under the scheme, including—

(i) the dates of registration, renewal and expiry of recognition or registration, and

(ii) the dates of suspension or cancellation of recognition or registration, and

(iii) details of disciplinary action taken against a particular recognised or registered professional engineer,

(e) information about how a person may make a complaint about a professional engineer who is recognised or registered under the scheme,

(f) the process that will be followed by the body in relation to receiving and managing complaints and resolution of disputes involving professional engineers who are recognised or registered under the scheme,

(g) other information required to be included on the website by the Secretary by written notice given to the body.

(2) Information required to be included on the website must—

(a) be included in a prominent location, and

(b) be up to date, and

(c) be freely available to members of the public.

57 Insurance requirements under recognition or registration scheme

A recognition or registration scheme must provide for the following insurance requirements—

(a) for the recognised engineering body—the recognised engineering body must hold an insurance policy that, in the reasonable opinion of the body, provides an adequate level of indemnity for the liability that could be incurred by the body in the course of the body carrying out the recognition function,

(b) for a professional engineer who is recognised or registered by a recognised engineering body—the professional engineer satisfies the insurance requirements imposed by the scheme.

58 Duties of recognised engineering body under recognition or registration scheme

A recognition or registration scheme must provide for the recognised engineering body—

(a) to act in the public interest in the exercise of the body's recognition function, and

(b) to exercise the body's recognition function independently, fairly and with honesty and integrity, and

(c) if the recognised engineering body operates a membership system for professional engineers in another capacity—to ensure that a person who is not a member of the body is able to apply for recognition of registration as a professional engineer under the scheme in the same way as a member of the body, and

(d) to identify and manage conflicts of interest, and

(e) to ensure that the body remains informed of changes to industry practice and legal requirements, and

(f) to ensure that persons who assess applications under the scheme—

(i) are appropriately trained to perform assessments of professional engineers, and

(ii) act in accordance with the requirements of the scheme.

59 Record keeping under recognition or registration scheme

(1) A recognition or registration scheme must provide for the keeping of copies of registration records by a recognised engineering body for a minimum of 10 years.

(2) In this clause—

registration records means—

(a) documents relating to the application of persons as professional engineers under the recognition or registration scheme, including documents about the assessment of those persons, and

(b) for each person who is granted recognition or registration as a professional engineer under the scheme, records of the following—

(i) conditions imposed by the body on the person,

(ii) investigations of the person carried out by the body,

(iii) complaints made about the person or referred to the body about the person,

(iv) disciplinary action taken by the body against the person,

(v) audits conducted by the body, and

(c) a document that sets out each person who has been granted recognition or registration as a professional engineer under the scheme.

60 Transition strategy if recognition of recognised engineering body is revoked

A recognition or registration scheme must provide for a strategy in relation to what is to occur to professional engineers who are recognised or registered under the scheme if the recognised engineering body no longer provides for the recognition or registration of those persons.

61 Transition strategy must address certain matters

A recognition or registration scheme must ensure that a strategy in relation to what is to occur to professional engineers who are recognised or registered under the scheme if the recognised engineering body no longer provides for the recognition or registration addresses the following—

(a) how members of the public and professional engineers who are recognised or registered under the scheme will be notified,

(b) details of any transition period to be provided to professional engineers,

(c) how fees will be reimbursed to professional engineers, if applicable,

(d) what is to happen to records and information held by the body that relate to professional engineers.

Division 4 Miscellaneous

62 Transition of recognised or registered professional engineers under scheme

(1) If a recognised engineering body no longer provides for the recognition or registration of professional engineers, a professional engineer who was recognised or registered under the body's recognition or registration scheme is taken to continue to be registered under the Act (a ***prescribed engineer***).

(2) A prescribed engineer must continue to comply with the insurance and continuing professional development requirements that were imposed by the body until the date on which the prescribed engineer's registration is due to expire or be renewed.

(3) A recognition or registration to which this clause applies remains in force for the remainder of the term of recognition or registration, unless sooner suspended or cancelled by the Secretary.

Part 6 Insurance

Division 1 Preliminary

63 Definitions

In this Part—

design work means the provision of a design compliance declaration or the preparation of a regulated design.

insured person means the individual or body corporate to whom the professional indemnity policy is issued.

liability of a registered practitioner means liability to pay compensatory damages for breach of professional duty as a registered practitioner arising from—

(a) an act or omission of the practitioner, or

(b) conduct of the practitioner that would constitute a breach of one or more of the following provisions, or a failure by the practitioner to comply with a guarantee that applies because of one or more of the following provisions—

(i) the *Australian Consumer Law* of the Commonwealth, sections 18, 29 or 30, or Part 3–2, Division 1, Subdivision B,

(ii) a provision of the legislation of this, or another State or Territory, that corresponds to a provision in subparagraph (i).

principal design work means the provision of a principal compliance declaration.

professional indemnity policy means an insurance policy that complies with the provisions of this Part and that indemnifies an individual, body corporate or partnership against the liability of the registered design practitioner, registered principal design practitioner or registered professional engineer covered by the policy.

registered employee of a body corporate or partnership means an employee of the body corporate or partnership who is a registered individual.

registered individual means an individual who is a registered design practitioner, registered principal design practitioner or registered professional engineer.

registered partner of a partnership means a partner in the partnership who is a registered individual.

Division 2 Insurance for design and principal design practitioners

64 Professional indemnity policy required for registered design practitioners

(1) For the purposes of section 11(2)(a) of the Act, a registered design practitioner must be indemnified under a professional indemnity policy that complies with this Division and Division 5.

(2) A registered individual who is a registered design practitioner must ensure that all design work carried out by the individual is indemnified under a professional indemnity policy that complies with this Division and Division 5.

65 Professional indemnity policy required for registered principal design practitioners

(1) For the purposes of section 14(2)(a) of the Act, a registered principal design practitioner must be indemnified under a professional indemnity policy that complies with this Division and Division 5.

(2) A registered individual who is a registered principal design practitioner must ensure that all principal design work carried out by the individual is indemnified under a professional indemnity policy that complies with this Division and Division 5.

66 Individual policies extend to all liability

A professional indemnity policy that is issued to a registered individual who is a registered design practitioner or registered principal design practitioner must extend the indemnity provided to all liability of the registered individual incurred at any time since the registered individual first became a registered design practitioner or a registered principal design practitioner.

67 Partnership policies extend to all liability

(1) A professional indemnity policy that is issued to a partnership must extend to all liability incurred by each registered design practitioner or registered principal design practitioner who, at any time before or during the term of the policy, is a registered partner or registered employee of the partnership—

(a) while the registered design practitioner or registered principal design practitioner was a registered partner or a registered employee of the partnership, and

(b) in the course of carrying out the following work on behalf of the partnership—

(i) for the design practitioner—design work,

(ii) for the principal design practitioner—principal design work.

(2) The indemnity must extend to a person who has been a registered partner or registered employee of the body corporate regardless of whether the person ceased to be a registered partner or registered employee before the policy commenced.

68 Corporate policies to extend to all liability

(1) A professional indemnity policy that is issued to a body corporate must extend the indemnity provided to—

(a) if the body corporate is a registered body corporate who is a registered design practitioner or registered principal design practitioner—all liability of the registered body corporate incurred at any time since the registered body corporate first became a registered design practitioner or registered principal design practitioner, and

(b) for each registered design practitioner or registered principal design practitioner who, at any time before or during the term of the policy, is a registered employee of the body corporate—all liability of the registered design practitioner or registered principal design practitioner incurred—

(i) while the registered design practitioner or registered principal design practitioner was a registered employee of the body corporate, and

(ii) in the course of the design practitioner carrying out design work, or the principal design practitioner carrying out principal design work, on behalf of the body corporate.

(2) The indemnity must extend to a person who has been a registered employee of the body corporate regardless of whether the person ceased to be a registered employee before the policy commenced.

Division 3 Insurance for professional engineers

69 Registered professional engineers must meet insurance requirements

For the purposes of section 33(2) of the Act, a registered professional engineer must—

(a) be indemnified under a professional indemnity policy that complies with this Division and Division 5, or

(b) be part of an approved arrangement under clause 70 (an ***approved arrangement***) that provides indemnity against liability to which the professional engineer may become subject as a result of carrying out professional engineering work.

70 Approved arrangements for professional engineers

For the purposes of section 33(2)(b) of the Act, a registered professional engineer is part of an approved arrangement if—

(a) for a professional engineer who is a member of a professional body of engineers that operates with a professional standards scheme—the professional engineer satisfies

the insurance requirements imposed by the body in accordance with the professional standards scheme, or

(b) for a professional engineer who is recognised or registered by a recognised engineering body—the professional engineer satisfies the insurance requirements imposed by the body under the body's recognition or registration scheme.

71 Professional indemnity policies for professional engineers

A registered professional engineer who is indemnified under a professional indemnity policy must ensure that all professional engineering work carried out by the professional engineer is indemnified under a professional indemnity policy that complies with this Division and Division 5.

72 Individual policies extend to all liability

A professional indemnity policy issued to a registered individual who is a registered professional engineer must extend the indemnity provided to all liability of the registered individual incurred at any time since the registered individual first became a registered professional engineer.

73 Partnership policies extend to all liability

(1) A professional indemnity policy issued to a partnership must extend to all liability incurred by each registered professional engineer who, at any time before or during the term of the policy, is a registered partner or registered employee of the partnership—

(a) while the registered professional engineer was a registered partner or a registered employee of the partnership, and

(b) in the course of carrying out professional engineering work on behalf of the partnership.

(2) The indemnity must extend to a person who has been a registered partner or registered employee of the body corporate regardless of whether the person ceased to be a registered partner or registered employee before the policy commenced.

74 Corporate policies to extend to all liability

(1) A professional indemnity policy issued to a body corporate must indemnify each registered professional engineer who, at any time before or during the term of the policy, is a registered employee of the body corporate, for all liability of the professional engineer incurred—

(a) while the registered professional engineer was a registered employee of the body corporate, and

(b) in the course of the registered professional engineer carrying out professional

engineering work on behalf of the body corporate.

(2) The indemnity must extend to a person who has been a registered employee of the body corporate regardless of whether the person ceased to be a registered employee before the policy commenced.

Division 4 Insurance for building practitioners

75 Registered building practitioners must meet insurance requirements

(1) For the purposes of section 24(2)(a) of the Act, a registered building practitioner must be indemnified under an insurance policy, whether a professional indemnity policy or otherwise, that complies with this clause.

(2) An insurance policy must, in the reasonable opinion of the registered building practitioner concerned, provide for an adequate level of indemnity for the liability that could be incurred by the practitioner in the course of the practitioner's work.

(3) In determining whether a policy provides for an adequate level of indemnity, the practitioner must take into account the following matters—

(a) the nature and risks associated with the work typically carried out by the practitioner,

(b) the volume of the work typically carried out by the practitioner,

(c) the length of time that the practitioner has been registered,

(d) a reasonable estimate of claims that could be brought against the practitioner on the basis of paragraphs (a)–(c),

(e) the financial capacity of the practitioner,

(f) any limits, exceptions, exclusions, terms or conditions of the policy.

76 Registered building practitioners may be exempt from insurance requirements

For the purposes of section 24(4) of the Act, the Secretary may exempt a registered building practitioner from the requirement to be adequately insured in relation to the provision of a building compliance declaration, but only if the Secretary is satisfied by the practitioner that—

(a) the practitioner is unable to obtain an insurance policy that provides indemnity against the liability to which the practitioner may become subject as a result of providing the compliance declaration, and

(b) the practitioner is adequately insured, in accordance with clause 75, in relation to the doing of building work relating to the compliance declaration.

Division 5 Adequacy of cover

77 Certain registered practitioners to determine adequate coverage of policy

(1) A professional indemnity policy must, in the reasonable opinion of a registered design practitioner, registered principal design practitioner or registered professional engineer, provide for an adequate level of indemnity for the liability that could be incurred by the practitioner or professional engineer in the course of their work.

(2) In determining whether a policy provides for an adequate level of indemnity, the registered design practitioner, registered principal design practitioner or registered professional engineer must take into account the following matters—

(a) the nature and risks associated with the work typically carried out by the practitioner or professional engineer,

(b) the volume of the work typically carried out by the practitioner or professional engineer,

(c) the length of time that the practitioner or professional engineer has been registered,

(d) a reasonable estimate of claims that could be brought against the practitioner or professional engineer on the basis of paragraphs (a)–(c),

(e) the financial capacity of the practitioner or professional engineer,

(f) any limits, exceptions, exclusions, terms or conditions of the policy, but only if the matters are not inconsistent with the requirements of this Part.

(3) This clause does not limit the operation of Divisions 2 or 3 of this Part.

78 Practitioners must keep records relating to adequacy of policy

It is a condition of registration as a registered practitioner that the practitioner must—

(a) keep written records specifying how the practitioner has determined that a policy provides for an adequate level of indemnity under clause 75 or 77, and

(b) maintain the records for at least 5 years, and

(c) provide copies of the records to the Secretary if requested by the Secretary in writing to do so.

79 Matters occurring after expiry date of policy

(1) The indemnity provided by a professional indemnity policy may, subject to clauses 65 and 67, be limited to liability in relation to which a claim is made against an insured person and notified to the insurer before the policy’s expiry date.

(2) Nothing in this clause requires a professional indemnity policy to provide indemnity for liability incurred after the policy's expiry date.

(3) In this clause—

expiry date of a professional indemnity policy means the date specified in the policy as to the policy's expiry date.

80 Policy may be subject to limit of indemnity

A professional indemnity policy may, only if the policy is not inconsistent with the requirements of this Part, be subject to the following—

(a) a limit of indemnity for one claim,

(b) a limit of indemnity for all claims occurring in one year.

81 Policy may be subject to exceptions or exclusions

A professional indemnity policy may, subject to clauses 75 and 77, contain exceptions or exclusions that are not inconsistent with the requirements of this Part.

82 Work carried out before registration

To avoid doubt, nothing in this Part requires a registered practitioner to be insured in relation to work to which the practitioner's registration relates that was carried out by the practitioner at any time before the practitioner first became a registered practitioner.

Division 6 Miscellaneous

83 Secretary may require information about insurance policies

For the purposes of section 105(1)(f) of the Act, the following information is prescribed—

(a) information about the policy schedule and endorsements,

(b) details of applications made and disclosures,

(c) details of completed claims,

(d) details of legal proceedings that relate to a claim,

(e) details of amounts paid out in relation to a claim.

Part 7 Record keeping

84 Record keeping generally

(1) This Part sets out the records that a prescribed practitioner must keep for the purposes of section 107(2)(d) of the Act.

(2) A record required to be kept by a prescribed practitioner under this Part is required to be kept—

(a) at the practitioner's business premises or in another secure place, or

(b) at another location, or in another way, approved by the Secretary.

(3) A record must be kept securely and must be in a form that can be readily inspected.

(4) A record must be kept under this Part for the period of at least 10 years, beginning on the date on which completion of building work occurs within the meaning of the *Environmental Planning and Assessment Act 1979*, section 6.20(2), as if a reference to a building or building work in that Act is a reference to a building or building work in the Act.

Note—

While this Part may not require a document to be kept for more than 10 years, other legislation may impose a requirement that the document be kept longer.

(5) A requirement to retain records continues to apply to a practitioner even if the practitioner ceases to be a prescribed practitioner.

(6) A prescribed practitioner must not fail to comply with a requirement under this Part.

Maximum penalty—200 penalty units for a body corporate or 100 penalty units for an individual.

(7) It is a defence to a prosecution for an offence under subclause (6) if the defendant satisfies the court that the defendant had a reasonable excuse for the alleged failure to keep a record for the purposes of this Part.

85 Record keeping for all prescribed practitioners

(1) A prescribed practitioner must, for each year to which the practitioner's registration relates, keep a record of each project for building work for which a compliance declaration is, or was, issued by the practitioner.

(2) The record must include the following information relating to the project—

(a) the number of compliance declarations provided by the practitioner,

(b) the class of building,

(c) the name of the developer in relation to the work, including any person who is authorised to carry out work on the developer's behalf, and the developer's place of business,

(d) the name of the local government area in which the project is located,

(e) the address of the land or premises on which the project is located, including the

lot and deposited plan number,

(f) the name of the person who engaged the practitioner,

(g) the name of the owner of the land or premises,

(h) the name and registration number of other registered practitioners involved in the project.

(3) In this clause—

developer has the same meaning as it has in the *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020*, as if a reference to building work in that Act is a reference to building work in the Act.

86 Record keeping for design practitioners

A registered design practitioner must keep copies of the following—

(a) a regulated design for which a design compliance declaration was provided by the practitioner,

(b) a design compliance declaration provided by the practitioner under section 9 of the Act.

87 Record keeping for principal design practitioners

A registered principal design practitioner must keep copies of the following—

(a) a design compliance declaration provided for building work to the practitioner by a registered design practitioner,

(b) a principal compliance declaration provided by the registered principal design practitioner under section 12 of the Act,

(c) a notice provided by a registered building practitioner under clause 23 or 24.

88 Record keeping for building practitioners

A registered building practitioner must keep copies of the following—

(a) a relevant document within the meaning of section 15(4) of the Act,

(b) a written notice given to the registered building practitioner under section 16 of the Act,

(c) a building compliance declaration, contractor document and other required documents required to be provided by the registered building practitioner under section 17 of the Act,

(d) a document required to be obtained by the building practitioner under the following

sections of the Act—

(i) section 18(b) and (c),

(ii) section 19,

(iii) section 20(2)(c) and (d) and (3)(c) and (d),

(iv) section 21,

(e) a variation statement prepared by the practitioner for the purposes of section 20(1) of the Act.

Part 8 Miscellaneous

89 Register of registered practitioners

(1) For the purposes of section 98(1) of the Act, the following particulars, to the extent that the particulars are relevant, are to be included in the register for each person who is, or has been, a registered practitioner—

(a) the person's name,

(b) the address of the person's place of business,

(c) the registration number of the person,

(d) the class and current status of the person's registration,

(e) the date on which the person was first registered,

(f) the date on which current registration held by the person is due to expire,

(g) details of each condition that has been imposed on the person's registration, other than a condition that is imposed on every registration, including—

(i) the nature of the condition, and

(ii) the date on which it was imposed, and

(iii) if the condition has been removed—the date on which the condition was removed,

(h) each date on which the person's registration has been suspended and each date on which a suspension ended,

(i) the date on which the person's registration was cancelled or otherwise ceased to have effect,

(j) details of grounds for taking disciplinary action against the person under Part 6 of

the Act and details of the disciplinary action taken,

(k) details of an offence against the Act or this Regulation for which the person has been convicted,

(l) details of undertakings made under section 88 of the Act by the person,

(m) details of a warning notice published under section 99 of the Act warning persons about particular risks involved in dealing with the person.

(2) The Secretary may exclude the address of a person's place of business from the register if—

(a) the person's place of business is also the person's place of residence, and

(b) the person applies to the Secretary for the address to be excluded from the register.

90 Appointment of authorised officers

For the purposes of section 73(c) of the Act, the Secretary may appoint the following persons as an authorised officer for Part 7 of the Act—

(a) a person who is an officer, employee or agent of a local council,

(b) an investigation officer within the meaning of the *Environmental Planning and Assessment Act 1979*, section 9.13.

91 Penalty notice officers

(1) For the purposes of section 94(6) of the Act, definition of ***penalty notice officer***, paragraph (b), the following persons are prescribed—

(a) an officer, employee or agent of a local council,

(b) an investigation officer within the meaning of the *Environmental Planning and Assessment Act 1979*, section 9.13.

(2) The Secretary may, if the Secretary considers it reasonable to do so, designate a person who is referred to in subclause (1)(a) or (b) as a penalty notice officer for the purposes of specified penalty notice offences.

92 Exchange of information

(1) For the purposes of section 104(1)(e) of the Act, the Secretary may provide information to a relevant agency that is reasonably necessary for the purposes of enabling or assisting the relevant agency to regulate or take other action in relation to the following matters—

(a) the assessment of an application, consent or certificate under the *Environmental*

Planning and Assessment Act 1979 for the purposes of determining whether or not the application, consent or certificate should be granted or issued,

(b) insurance required by or under the Act or another law in relation to regulated designs, compliance declarations, building work or professional engineering work,

(c) suspension or cancellation of registrations,

(d) imposition of conditions on registrations,

(e) disciplinary action taken against registered practitioners.

(2) For the purposes of section 104(7) of the Act, definition of ***relevant agency***, paragraph (c), the following persons and bodies are prescribed in relation to one or more of the matters set out in section 104(1)(a)–(e) of the Act—

(a) an agency of this or another Australian jurisdiction that regulates or takes other action under legislation in connection with work to which the Act and this Regulation apply, including the Professional Standards Council and the Professional Standards Authority,

(b) a local council,

(c) an investigation officer within the meaning of the *Environmental Planning and Assessment Act 1979*, section 9.13,

(d) an owners corporation,

(e) a recognised engineering body,

(f) a professional body of engineers that operates with a professional standards scheme,

(g) an insurer that provides insurance in connection with the requirements of the Act.

93 Delegation

For the purposes of section 106(1)(b) of the Act, the Secretary may delegate the exercise of a function of the Secretary under the Act, other than the power of delegation, to a person employed by a government sector agency within the meaning of the *Government Sector Employment Act 2013*.

93A Secretary's power to waive, reduce, postpone or refund fees

The Secretary may waive, reduce, postpone or refund, in whole or part, a fee payable or paid under the Act or this Regulation if the Secretary is satisfied it is appropriate because—

(a) the person who is to pay or has paid the fee is suffering financial hardship, or

(b) special circumstances exist.

Example—

Special circumstances include a natural disaster or recovery from a natural disaster.

93B Partial refund of certain fees before registration

(1) The refundable component of a fee paid for an application for registration must be refunded if—

(a) the Secretary refuses the application, or

(b) the applicant withdraws the application before the Secretary determines the application.

(2) In this clause—

refundable component, of a fee, is the amount set out in Schedule 7, Part 1, Column 3.

93C Partial refund of certain fees after registration

(1) This clause applies to a fee for an application for registration for a period of 3 or 5 years, paid by or on behalf of a person who—

(a) has applied for, and received written notice from the Secretary of, the cancellation of the registration, or

(b) if the fee was paid by or on behalf of an individual—has died.

(2) The following persons may apply for a refund of the fee—

(a) the person who paid the fee,

(b) a person on behalf of the person who paid the fee,

(c) the legal representative of a deceased individual who paid the fee.

(3) A person may not apply for a refund if the registration was cancelled as a result of disciplinary action.

(4) The amount of the refund is—

(a) for a registration with a period of 3 years—one-third of the fee paid for each complete year remaining of the registration, or

(b) for a registration with a period of 5 years—one-fifth of the fee paid for each complete year remaining of the registration.

Part 9 Savings and transitional provisions

Division 1 Eligibility for registration

94 Alternative pathway 1 for design practitioners—fire systems classes

(1) This clause applies to a person who, before the end of 30 June 2022, applies for registration as a design practitioner in 1 of the following classes—

(a) design practitioner—fire systems (detection and alarm systems),

(b) design practitioner—fire systems (fire hydrant and fire hose reel),

(c) design practitioner—fire systems (fire sprinkler).

(2) The person may, instead of meeting the qualifications specified in a qualifications pathway in Schedule 2 for the class of registration, satisfy the Secretary of the following—

(a) the person has enrolled or completed—

(i) a prescribed qualification, or

(ii) the units of competency specified in Schedule 2 for the relevant class,

(b) the person has a level of competency that would enable the person to carry out work that is permitted to be carried out by a design practitioner of the relevant class.

(3) A person to whom this clause applies—

(a) must complete the diploma, including the units of competency, no later than 3 years after the date on which the person is granted registration, and

(b) is permitted to hold registration for a period of 1 or 3 years.

(4) It is a condition of registration that a person to whom this clause applies who is granted registration as a design practitioner must—

(a) provide evidence to the Secretary of the completion of the diploma and the units of competency within 7 days after completing the diploma and the units, and

(b) if the person is no longer enrolled in the diploma or a particular unit of competency—notify the Secretary within 7 days after the person ceases to be enrolled.

(5) A person who is registered by the operation of this clause is, during the registration period, prohibited from—

(a) being authorised as an appropriate practitioner to provide documents on behalf of

a registered building practitioner under clause 16 or 17, and

(b) applying for registration as a principal design practitioner under the Act.

(6) To avoid doubt, this clause extends to a person to whom Division 3 of this Part applies with any necessary modification.

(7) In this clause—

prescribed qualification means an NVR approved Diploma of Fire Systems Design (CPC50509).

registration period means the period for which registration is granted to a person under this clause, being a period of 1 or 3 years, but does not include a renewal of that registration.

95 Alternative pathway 2 for design practitioners—fire systems classes

(1) This clause applies to a person who, before the end of 30 June 2022, applies for registration as a design practitioner in 1 of the following classes—

(a) design practitioner—fire systems (detection and alarm systems),

(b) design practitioner—fire systems (fire hydrant and fire hose reel),

(c) design practitioner—fire systems (fire sprinkler).

(2) The Secretary may, despite the provisions of Schedule 2, grant registration in the class if the Secretary is satisfied that—

(a) the person has the experience, knowledge and skills specified for the class of registration in Schedule 2, and

(b) the person holds the following class of accreditation under the *Building and Development Certifiers Act 2018*, Part 5 as an accredited practitioner (fire safety)—

(i) for a design practitioner in the class of design practitioner—fire systems (detection and alarm systems)—fire detection and alarm system design (level 3—advanced),

(ii) for a design practitioner in the class of design practitioner—fire systems (fire hydrant and fire hose reel)—fire hydrant and hose reel system design (level 3—advanced),

(iii) for a design practitioner in the class of design practitioner—fire systems (fire sprinkler)—

(A) fire sprinkler systems design (level 3—advanced), or

(B) fire sprinkler systems design (level 4—specialist).

96 Alternative pathway 3 for design practitioners—fire systems classes

(1) This clause applies to a person who, before the end of 30 June 2023, applies for registration as a design practitioner in 1 of the following classes—

(a) design practitioner—fire systems (fire hydrant and fire hose reel),

(b) design practitioner—fire systems (fire sprinkler).

(2) The Secretary may, despite the provisions of Schedule 2, grant registration in the class if the Secretary is satisfied that—

(a) the person has the experience, knowledge and skills specified for the class of registration in Schedule 2, and

(b) the person holds at least 1 of the following—

(i) an NVR approved diploma in hydraulic services design or a qualification that the Secretary is satisfied is at least equivalent to a diploma of that kind,

(ii) a qualification that was conferred by an Australian university or tertiary institution that has been assessed as being equivalent to a relevant qualification by an Australian signatory to the Washington Accord,

(iii) for a qualification that was conferred by a foreign university or tertiary institution that has been assessed as being equivalent to a relevant qualification by an assessing authority for the skilled occupation of civil engineer or mechanical engineer.

(3) In this clause—

relevant qualification means—

(a) an accredited 4 year full-time or equivalent part-time undergraduate bachelor degree in civil engineering or mechanical engineering or engineering with a major in civil engineering or mechanical engineering, or

(b) an accredited postgraduate masters degree in civil engineering or mechanical engineering or engineering with a major in civil engineering or mechanical engineering.

97 Alternative pathways for professional engineers and certain design practitioners

(1) This clause applies to a person who, before the end of 30 June 2022, applies for registration as a—

(a) professional engineer, or

(b) a design practitioner in the class of—

(i) design practitioner—building design (low rise), or

(ii) design practitioner—building design (medium rise).

(2) The person may, instead of meeting the qualifications and experience requirements specified in Schedule 2 for a particular class of registration, satisfy the Secretary of the following—

(a) the person has the knowledge and skills specified for the class of registration in Schedule 2,

(b) the person has at least 10 years, or equivalent part-time, practical experience within the last 15 years that—

(i) must include at least 2 years of work carried out in Australia, and

(ii) for a design practitioner—must be relevant to the preparation of a regulated design or the provision of a compliance declaration for a class 2, 3, 9a or 9c building, and

(iii) for a professional engineer—must involve the carrying out of professional engineering work in a particular prescribed area of engineering for a class 2, 3, 9a or 9c building,

(c) the person has successfully completed a competency assessment,

(d) for registration as a professional engineer in a particular class of registration—

(i) the person has a qualification relevant to that class of registration, and

(ii) the qualification have been assessed as being suitable by the person or body that conducted the competency assessment.

(3) This clause is not available to a person unless—

(a) the Secretary has made a competency assessment available, or

(b) the Secretary has approved a body to conduct the competency assessment.

Division 2 Deemed registration

98 Definitions

In this Division—

prescribed applicant—see clause 99(1).

transitional period means the period beginning at the start of 1 July 2021 and ending at the end of 28 February 2022.

99 Application of Division

(1) This Division applies to a person who applies to the Secretary to be registered as a practitioner in a particular class of registration during the transitional period (a ***prescribed applicant***).

(2) The Act and this Regulation, except as modified by this Division, continue to apply to a practitioner who is registered by the operation of this Division.

(3) The following provisions do not apply to an application made for registration during the transitional period—

(a) section 45 of the Act and regulations made under that section, except as modified by clause 100,

(b) section 48(1) of the Act.

100 Certain practitioners taken to hold deemed registration

(1) A prescribed applicant is taken to be registered in a particular class of registration for which the applicant is seeking registration if—

(a) the applicant duly makes an application for registration under section 43 of the Act that includes—

(i) the period for which the applicant is seeking registration, being a period of 1, 3 or 5 years, and

(ii) the class of registration as a practitioner for which the applicant is seeking registration, and

(b) the applicant is of the opinion that the applicant is a suitable person to carry out the work for which the applicant is seeking registration, and

(c) the applicant is an individual who is at least 18 years old in age, and

(d) the applicant is not a mentally incapacitated person, and

(e) the applicant is not an undischarged bankrupt, and

(f) the applicant is of the opinion that the applicant satisfies the qualification, experience, knowledge and skill requirements specified in—

(i) Schedule 2 for the particular class of registration, or

(ii) in Division 1, but only if the person has successfully completed a competency assessment as required in that Division, and

(g) the applicant’s registration was not previously cancelled by the Secretary under this Division.

(2) In this clause—

applicant, for subclause (1)(b)–(e), includes a director of a body corporate if the applicant is a body corporate.

101 Secretary may permit or cancel deemed registration

(1) The Secretary may—

(a) permit a practitioner who is registered under this Division to continue to be registered, or

(b) cancel a practitioner's registration.

(2) Without limiting subclause (1)(b), the Secretary—

(a) may cancel a practitioner's registration if, in the opinion of the Secretary, the person's registration does not meet the requirements specified in clause 100, and

(b) must cancel a practitioner's registration if a ground referred to in section 45(3) of the Act applies to the person.

(3) The Secretary may permit a practitioner to continue to be registered in a class of design practitioner, principal design practitioner, building practitioner or professional engineer that the Secretary considers appropriate even if the practitioner's application specified a different class.

(4) The Secretary must give the registered practitioner written notice of the Secretary's decision to—

(a) permit the practitioner to continue to be registered, or

(b) permit the practitioner to continue to be registered in a different class than the class specified in the practitioner's application, or

(c) cancel the practitioner's registration.

102 Duration of deemed registration

A practitioner who is registered under this Division is taken to be registered for a period beginning on the date the practitioner made the application for registration and ending on—

(a) the date that is 1, 3 or 5 years, as specified in the practitioner's application for registration, after the practitioner first makes the application, or

(b) if the Secretary makes a decision to cancel the practitioner's registration—the date on which the Secretary gives the practitioner written notice of that decision.

103 Evidence of deemed registration

(1) The Secretary is to make appropriate arrangements to ensure that a prescribed applicant who makes an application to which this Division applies is issued with an application number or registration number for the application.

(2) During the deemed registration period—

(a) an application number or registration number is evidence of a practitioner's registration under this Division, and

(b) each compliance declaration that is required to be provided by a registered design practitioner, principal design practitioner or building practitioner in accordance with the Act and this Regulation must include the application number or registration number.

(3) During the deemed registration period, a reference to a registration certificate in Part 5, Division 4 of the Act is to be read as a reference to an application number or registration number for an application.

(4) In this clause—

deemed registration period means the period beginning on the date a prescribed applicant makes an application for registration and ending on the date the Secretary gives written notice to the registered practitioner under clause 101(4).

Division 3 Miscellaneous

104 Return of cancelled, suspended or varied registration

A person is not required to comply with section 59(1) and (2) of the Act before the end of 30 June 2022.

105 Carrying out of work without registration

(1) A person is not guilty of an offence against section 10, 13, 23 or 32(1) of the Act committed before the end of 7 July 2021 if the person applies for registration before that time.

(2) Section 32(2) of the Act does not have effect until the end of 1 August 2021.

106 Insurance for registered practitioners

The following sections, including regulations made under those sections, do not apply to a registered practitioner before the end of 30 June 2022—

(a) for a registered design practitioner—section 11 of the Act,

(b) for a registered principal design practitioner—section 14 of the Act,

(c) for a registered building practitioner—section 24 of the Act,

(d) for a registered professional engineer—section 33 of the Act.

Schedule 1 Classes of registration

Part 1 Preliminary

1 Classes of registration as design practitioner

For the purposes of section 42 of the Act, the following classes of registration as a design practitioner are prescribed—

(a) design practitioner—architectural,

(b) design practitioner—body corporate

(c) design practitioner—building design (low rise),

(d) design practitioner—building design (medium rise),

(e) design practitioner—civil engineering,

(f) design practitioner—drainage,

(g) design practitioner—drainage (restricted),

(h) design practitioner—electrical engineering,

(i) design practitioner—facade,

(j) design practitioner—fire safety engineering,

(k) design practitioner—fire systems (detection and alarm systems),

(l) design practitioner—fire systems (fire hydrant and fire hose reel),

(m) design practitioner—fire systems (fire sprinkler),

(n) design practitioner—fire systems (mechanical smoke control),

(o) design practitioner—geotechnical engineering,

(p) design practitioner—mechanical engineering,

(q) design practitioner—structural engineering,

(r) design practitioner—vertical transportation.

2 Classes of registration as principal design practitioner

For the purposes of section 42 of the Act, the following classes of registration as a principal design practitioner are prescribed—

(a) principal design practitioner—body corporate,

(b) principal design practitioner—general.

3 Classes of registration as building practitioner

For the purposes of section 42 of the Act, the following classes of registration as a building practitioner are prescribed—

(a) building practitioner—body corporate,

(b) building practitioner—body corporate nominee,

(c) building practitioner—general.

4 Classes of registration as professional engineer

For the purposes of section 42 of the Act, the following classes of registration as a professional engineer are prescribed—

(a) professional engineer—civil,

(b) professional engineer—electrical,

(c) professional engineer—fire safety,

(d) professional engineer—geotechnical,

(e) professional engineer—mechanical,

(f) professional engineer—structural.

5 Type of work that is authorised by registration

(1) The type of work that is authorised to be carried out by a person holding a particular class of registration as a practitioner is the type of work specified in this Schedule in relation to that class of registration to the extent that the work is within the practitioner's competence.

(2) Despite subclause (1), a registered practitioner is authorised to carry out the type of work specified in relation to a class of registration only where that is otherwise consistent with conditions or restrictions on the registered practitioner's registration.

(3) In this clause—

type of work means the preparation of a regulated design, provision of a compliance

declaration or carrying out of building work or professional engineering work.

Part 2 Description of work

Division 1 Design practitioners

6 Design practitioner—architectural

A registered design practitioner who holds a design practitioner—architectural class of registration is authorised to do the following—

(a) prepare or vary a regulated design of a type that would constitute the provision of an architectural service within the meaning of the *Architects Act 2003*,

(b) make a design compliance declaration for a regulated design referred to in paragraph (a).

7 Design practitioner—body corporate

A registered body corporate that holds a design practitioner—body corporate class of registration is authorised to do anything that a registered design practitioner who holds any other class of registration but can do it only by way of an individual—

(a) who is an employee of the body corporate, and

(b) who holds that class of registration.

8 Design practitioner—building design (low rise)

(1) A registered design practitioner who holds a design practitioner—building design (low rise) class of registration is authorised to do the following—

(a) subject to the requirements in the *Environmental Planning and Assessment Regulation 2000* relating to the design of residential apartment development, prepare or vary a regulated design in relation to the design of a low rise building,

(b) make a design compliance declaration for the regulated design.

(2) Despite subclause (1), the design practitioner is not authorised prepare or vary a regulated design if the design is—

(a) a design that would constitute the provision of an architectural service within the meaning of the *Architects Act 2003*, or

(b) a design that would constitute the carrying out professional engineering work, or

(c) a design that may be prepared or varied by a design practitioner in the class of—

(i) design practitioner—fire systems (detection and alarm systems), or

(ii) design practitioner—fire systems (fire hydrant and fire hose reel), or

(iii) design practitioner—fire systems (fire sprinkler), or

(iv) design practitioner—fire systems (mechanical smoke control).

(3) In this clause—

residential apartment development has the same meaning as in *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*.

9 Design practitioner—building design (medium rise)

(1) A registered design practitioner who holds a design practitioner—building design (medium rise) class of registration is authorised to do the following—

(a) subject to the requirements in the *Environmental Planning and Assessment Regulation 2000* relating to the design of residential apartment development, prepare or vary a regulated design in relation to the design of a medium rise building,

(b) make a design compliance declaration for the regulated design.

(2) Despite subclause (1), the design practitioner is not authorised to prepare or vary a regulated design if the design is—

(a) a design that would constitute the provision of an architectural service within the meaning of the *Architects Act 2003*, or

(b) a design that would constitute the carrying out professional engineering work, or

(c) a design that may be prepared or varied by a design practitioner in the class of—

(i) design practitioner—fire systems (detection and alarm systems), or

(ii) design practitioner—fire systems (fire hydrant and fire hose reel), or

(iii) design practitioner—fire systems (fire sprinkler), or

(iv) design practitioner—fire systems (mechanical smoke control).

(3) In this clause—

residential apartment development has the same meaning as in *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*.

10 Design practitioner—civil engineering

A registered design practitioner who holds a design practitioner—civil engineering class of

registration is authorised to do the following—

(a) prepare or vary a regulated design in relation to an area of civil engineering, other than a design of a type that is referred to in clauses 14, 20 and 22 of this Schedule,

(b) make a design compliance declaration for the regulated design.

11 Design practitioner—drainage

A registered design practitioner who holds a design practitioner—drainage class of registration is authorised to do the following—

(a) prepare or vary a regulated design in relation to stormwater drainage and roof drainage systems for a building with a rise in any number of storeys,

(b) make a design compliance declaration for the regulated design.

12 Design practitioner—drainage (restricted)

A registered design practitioner who holds a design practitioner—drainage (restricted) class of registration is authorised to do the following—

(a) prepare or vary a regulated design in relation to stormwater drainage and roof drainage systems for a building that has a rise in storeys of no more than 6,

(b) make a design compliance declaration for the regulated design.

13 Design practitioner—electrical engineering

A registered design practitioner who holds a design practitioner—electrical engineering class of registration is authorised to do the following—

(a) prepare or vary a regulated design in relation to the following, other than a design referred to in clause 23 of this Schedule—

(i) an area of electrical engineering,

(ii) the electrical components or systems, or electrical services, of a building,

(b) make a design compliance declaration for the regulated design.

14 Design practitioner—facade

A registered design practitioner who holds a design practitioner—facade class of registration is authorised to do the following—

(a) prepare or vary a regulated design in relation to the facade of a building,

(b) make a design compliance declaration for the regulated design.

15 Design practitioner—fire safety engineering

A registered design practitioner who holds a design practitioner—fire safety engineering class of registration is authorised to do the following—

(a) prepare or vary a regulated design in relation to an area of fire safety engineering,

(b) make a design compliance declaration for the regulated design.

16 Design practitioner—fire systems (detection and alarm systems)

A registered design practitioner who holds a design practitioner—fire systems (detection and alarm systems) class of registration is authorised to do the following—

(a) prepare or vary a regulated design in relation to a fire detection and alarm system or an emergency and intercommunication system for a building,

(b) make a design compliance declaration for the regulated design.

17 Design practitioner—fire systems (fire hydrant and fire hose reel)

A registered design practitioner who holds a design practitioner—fire systems (fire hydrant and fire hose reel) class of registration is authorised to do the following—

(a) prepare or vary a regulated design in relation to a fire hydrant or fire hose reel system for a building, including a portable fire extinguisher system,

(b) make a design compliance declaration for the regulated design.

18 Design practitioner—fire systems (fire sprinkler)

A registered design practitioner who holds a design practitioner—fire systems (fire sprinkler) class of registration is authorised to do the following—

(a) prepare or vary a regulated design in relation to a fire sprinkler system for a building,

(b) make a design compliance declaration for the regulated design.

19 Design practitioner—fire systems (mechanical smoke control)

A registered design practitioner who holds a design practitioner—fire systems (mechanical smoke control) class of registration is authorised to do the following—

(a) prepare or vary a regulated design in relation to a mechanical fire control system or mechanical smoke control system for a building,

(b) make a design compliance declaration for the regulated design.

20 Design practitioner—geotechnical engineering

A registered design practitioner who holds a design practitioner—geotechnical

engineering class of registration is authorised to do the following—

(a) prepare or vary a regulated design in relation to an area of geotechnical engineering,

(b) make a design compliance declaration for the regulated design.

21 Design practitioner—mechanical engineering

(1) A registered design practitioner who holds a design practitioner—mechanical engineering class of registration is authorised to do the following—

(a) prepare or vary a regulated design in relation to the following, other than a design referred to in clause 23 of this Schedule—

(i) an area of mechanical engineering,

(ii) the mechanical systems of a building and the relevant energy efficient provisions of the *Building Code of Australia* that relate to the systems,

(b) make a design compliance declaration for the regulated design.

(2) In this clause—

mechanical systems includes systems to facilitate the safe occupation and use of a building associated with heating, ventilation, air-conditioning and air distribution, smoke control and exhaust and stairwell pressurisation.

22 Design practitioner—structural engineering

A registered design practitioner who holds a design practitioner—structural engineering class of registration is authorised to do the following—

(a) prepare or vary a regulated design in relation to an area of structural engineering,

(b) make a design compliance declaration for the regulated design.

23 Design practitioner—vertical transportation

A registered design practitioner who holds a design practitioner—vertical transportation class of registration is authorised to do the following—

(a) prepare or vary a regulated design in relation to the integration of a vertical transportation product in a building, including a design that relates to how the vertical transportation product will integrate with an applicable building element of the building to achieve compliance with the *Building Code of Australia*,

(b) make a design compliance declaration for the regulated design.

Division 2 Principal design practitioners

24 Principal design practitioner—body corporate

A registered body corporate that holds a principal design practitioner—body corporate class of registration is authorised to do the following, but can do it only by way of an individual who is employed by the body corporate and who holds a principal design practitioner—general class of registration—

(a) coordinate the provision of design compliance declarations by suitably authorised registered design practitioners for regulated designs prepared for building work,

(b) make a principal compliance declaration in relation to the matters referred to in paragraph (a) and the design compliance declarations for those matters.

25 Principal design practitioner—general

A registered principal design practitioner who holds a principal design practitioner—general class of registration is authorised to do the following—

(a) coordinate the provision of design compliance declarations by suitably authorised registered design practitioners for regulated designs prepared for building work,

(b) make a principal compliance declaration in relation to the matters referred to in paragraph (a) and the design compliance declarations for those matters.

Division 3 Building practitioners

26 Building practitioner—body corporate

(1) A registered body corporate that holds a building practitioner—body corporate class of registration is authorised to make a building compliance declaration for building work, but only by way of a nominated individual.

(2) In this clause—

nominated individual means an individual who—

(a) is nominated by the body corporate, and

(b) holds a building practitioner—body corporate nominee or building practitioner—general class of registration.

27 Building practitioner—body corporate nominee

A registered building practitioner who holds a building practitioner—body corporate nominee class of registration is authorised to do the following, but only on behalf of a registered body corporate that holds a building practitioner—body corporate class of registration and that has nominated the registered building practitioner—

(a) make a building compliance declaration for building work,

(b) prepare and provide documents that are required to be prepared and provided by a building practitioner under the Act and this Regulation.

28 Building practitioner—general

A registered building practitioner who holds a building practitioner—general class of registration is authorised to do the following—

(a) make a building compliance declaration for building work,

(b) prepare and provide documents that are required to be prepared and provided by a building practitioner under the Act and this Regulation.

Division 4 Professional engineers

29 Professional engineer—civil

A registered professional engineer who holds a professional engineer—civil class of registration is authorised to carry out professional engineering work in an area of civil engineering, other than work that is within an area of engineering otherwise prescribed under this Division.

30 Professional engineer—electrical

A registered professional engineer who holds a professional engineer—electrical class of registration is authorised to carry out professional engineering work in an area of electrical engineering.

31 Professional engineer—fire safety

A registered professional engineer who holds a professional engineer—fire safety class of registration is authorised to carry out professional engineering work in an area of fire safety engineering.

32 Professional engineer—geotechnical

A registered professional engineer who holds a professional engineer—geotechnical class of registration is authorised to carry out professional engineering work in an area of geotechnical engineering.

33 Professional engineer—mechanical

A registered professional engineer who holds a professional engineer—mechanical class of registration is authorised to carry out professional engineering work in an area of mechanical engineering.

34 Professional engineer—structural

A registered professional engineer who holds a professional engineer—structural class of registration is authorised to carry out professional engineering work in an area of structural engineering.

Schedule 2 Qualifications, experience, knowledge and skills

clause 34(7)

Part 1 Preliminary

1 Definitions

(1) In this Schedule—

accredited, in relation to a qualification, means accredited by a body that is a signatory to the Washington Accord.

accredited program means a program that is accredited by Engineers Australia.

assessing authority means a person or body that is listed as an assessing authority in the Medium and Long-term Strategic Skills List, in relation to a particular skilled occupation, within the meaning of the *Migration (LIN19/051: Specification of Occupations and Assessing Authorities) Instrument 2019* of the Commonwealth, Part 2.

Australian university has the same meaning as in the *Higher Education Act 2001*.

major, in relation to a qualification for a particular class of registration, includes a major that, in the opinion of the Secretary, is an appropriate major for type of work that may be carried out by the class of registration under Schedule 1, regardless of whether or not the major is specified in this Schedule for the class.

recent, in relation to a requirement for a person to have 5 years practical experience, means 5 years, or equivalent part-time, experience within the last 10 years, including at least 2 years practical experience relating to work carried out in Australia by the person.

relevant, in relation to the practical experience requirement for a particular class of registration, means the following—

(a) for a design practitioner—

(i) experience relevant to the preparation of a regulated design involving a class 2, 3, 9a or 9c building, or

(ii) experience relevant to the provision of a compliance declaration involving a class 2, 3, 9a or 9c building,

(b) for a design practitioner in the class of design practitioner—vertical transportation—the matters referred to in paragraph (a) for any class of building,

(c) for a building practitioner—the carrying out of building work involving a class 2, 3, 9a or 9c building,

(d) for a professional engineer—the carrying out of professional engineering work in a particular prescribed area of engineering involving a class 2, 3, 9a or 9c building.

skilled occupation has the same meaning as in the *Migration Regulations 1994* of the Commonwealth.

Washington Accord means the *Washington Accord 1989* that is established and maintained by the International Engineering Alliance and includes amendments to the Washington Accord that are from time to time made by the International Engineering Alliance.

(2) A reference in this Schedule to an NVR approved qualification or a unit of competency is taken to include a reference to a qualification or unit of competency that supersedes that qualification or unit of competency.

2 Qualifications, experience, knowledge and skills required for grant of registration

(1) For the purposes of sections 47(2) and 107(2)(a) of the Act, the provisions of this Schedule specify the minimum qualifications, experience, knowledge and skills required to be granted registration in the classes set out in this Schedule in relation to a practitioner.

(2) If more than 1 pathway is shown, the minimum qualifications, knowledge and skills required to be granted registration are the qualifications, knowledge and skills specified in 1 of those pathways.

(2A) The minimum qualifications, knowledge and skills required to be granted registration in a particular class of registration as a professional engineer are—

(a) the knowledge and skills specified in pathway 1, pathway 2 or pathway 3 in this Schedule, clause 27, and

(b) the qualifications specified in the corresponding pathway shown for the particular class of registration.

(3) There is no requirement for a body corporate to have experience, qualifications, knowledge or skills to be registered as a design practitioner—body corporate or principal design practitioner—body corporate.

Note—

A registered body corporate can exercise its functions only by way of an appropriately registered individual and the individual is required to have the relevant experience, qualifications, knowledge and skills.

(4) If a pathway specifies successful completion of a competency assessment, that pathway is available only if—

(a) the Secretary has made a competency assessment available, or

(b) the Secretary has approved a person or body to conduct the competency assessment.

3 Secretary may grant registration in other certain circumstances

For the purposes of sections 47(2) and 107(2)(a) of the Act, the Secretary may, despite the provisions of this Schedule, grant registration in a class of registration as a practitioner to a person if the Secretary is satisfied that—

(a) the person's qualifications, experience, knowledge and skills are at least equivalent to the qualifications, experience, knowledge and skills specified for that class, or

(b) a qualification specified by this Schedule for a particular class of registration is combined with another qualification or major not specified by this Schedule and the combined qualification is at least equivalent to the qualification specified for that class, or

(c) for registration as a professional engineer—

(i) the person has the knowledge, skills and experience specified for the class of registration, and

(ii) the person has successfully completed a competency assessment, and

(iii) the person has a qualification in engineering that was conferred by a university or a tertiary institution before the establishment of the Washington Accord, and

(iv) the qualification has been assessed as being suitable by the person or body that conducted the competency assessment, or

(d) for registration as a professional engineer—

(i) the person has the qualifications, knowledge and skills specified for the class of registration in this Schedule, and

(ii) the person has at least 5 years, or equivalent part-time, practical experience overseas, or overseas and in Australia, within the last 10 years involving a building similar to a class 2, 3, 9a or 9c building, and

(iii) the person has successfully completed a competency assessment.

Part 2 Design practitioners

4 Experience—all classes of design practitioner

(1) Must have 5 years recent relevant practical experience.

(2) For a design practitioner in the class of design practitioner—architectural, the experience referred to in subclause (1) may include the practical experience required by the NSW Architects Registration Board under the *Architects Act 2003*, section 17(1)(c).

5 Design practitioner—architectural

(1) **Qualifications** Must—

(a) hold full registration as an architect within the meaning of the *Architects Act 2003*, and

(b) be recorded as a practising architect in the register maintained by the Registrar of the NSW Architects Registration Board constituted under that Act.

(2) **Knowledge** Must know and understand the following—

(a) the Act and this Regulation,

(b) the *Environmental Planning and Assessment Act 1979*, including regulations made under that Act, to the extent that the legislation is relevant to this class of registration,

(c) the *Building Code of Australia*, Volumes 1 and 2, including documents adopted by reference in the *Building Code of Australia*, to the extent that the documents are relevant to this class of registration,

(d) building design, including methods, materials and planning, to the extent that this knowledge is relevant to this class of registration.

(3) **Skills** Must be able to do the following—

(a) interpret, apply and assess compliance with the relevant requirements of the *Building Code of Australia*,

(b) apply and assess compliance with relevant standards relating to the design of a building, including materials, finishes, fittings, components and systems of a building, to the extent that the standards are relevant to this class of registration.

6 Design practitioner—building design (low rise)

(1) **Qualifications** Must have an NVR approved diploma in building design or architectural drafting.

(2) **Knowledge** Must know and understand the following—

(a) the Act and this Regulation,

(b) the *Environmental Planning and Assessment Act 1979*, including regulations made under that Act, to the extent that the legislation is relevant to this class of registration,

(c) the *Building Code of Australia*, Volumes 1 and 2, including documents adopted by reference in the *Building Code of Australia*, to the extent that the documents are relevant to this class of registration,

(d) building design, including methods, materials and planning, to the extent that this knowledge is relevant to this class of registration.

(3) **Skills** Must be able to do the following—

(a) interpret, apply and assess compliance with the relevant requirements of the *Building Code of Australia*,

(b) apply and assess compliance with relevant standards relating to the design of a building, including materials, finishes, fittings, components and systems of a building, to the extent that the standards are relevant to this class of registration.

7 Design practitioner—building design (medium rise)

(1) **Qualifications** Must have an NVR approved associate degree or advanced diploma in building design or architectural design.

(2) **Knowledge** Must know and understand the following—

(a) the Act and this Regulation,

(b) the *Environmental Planning and Assessment Act 1979*, including regulations made under that Act, to the extent that the legislation is relevant to this class of registration,

(c) the *Building Code of Australia*, Volumes 1 and 2, including documents adopted by reference in the *Building Code of Australia*, to the extent that the documents are relevant to this class of registration,

(d) building design, including methods, materials and planning, to the extent that this knowledge is relevant to this class of registration.

(3) **Skills** Must be able to do the following—

(a) interpret, apply and assess compliance with the relevant requirements of the *Building Code of Australia*,

(b) apply and assess compliance with relevant standards relating to the design of a building, including materials, finishes, fittings, components and systems of a building, to the extent that the standards are relevant to this class of registration.

8 Design practitioner—civil engineering

(1) **Qualifications** Must be registered as a professional engineer in the class of professional engineer—civil under the Act.

(2) **Knowledge** Must know and understand the following—

(a) the Act and this Regulation,

(b) the *Environmental Planning and Assessment Act 1979*, including regulations made under that Act, to the extent that the legislation is relevant to this class of registration,

(c) the *Building Code of Australia*, Volumes 1 and 2, including documents adopted by reference in the *Building Code of Australia*, to the extent that the documents are relevant to this class of registration,

(d) building design, including methods, materials and planning, to the extent that this knowledge is relevant to this class of registration.

(3) **Skills** Must be able to do the following—

(a) interpret, apply and assess compliance with the relevant requirements of the *Building Code of Australia*,

(b) apply and assess compliance with relevant standards relating to the design of a building, including materials, finishes, fittings, components and systems of a building, to the extent that the standards are relevant to this class of registration.

9 Design practitioner—drainage

(1) **Qualifications** Must have 1 of the following—

(a) an NVR approved diploma in hydraulic services design,

(b) registration as a professional engineer in the class of professional engineer—civil or professional engineer—mechanical,

(c) an accredited 4 year full-time or equivalent part-time undergraduate bachelor degree in civil engineering or mechanical engineering or engineering with a major in civil engineering or mechanical engineering,

(d) an accredited postgraduate masters degree in civil engineering or mechanical engineering or engineering with a major in civil engineering or mechanical engineering,

(e) a non-accredited qualification that has been assessed as being equivalent to an accredited qualification in subparagraph (c) or (d)—

(i) for a qualification that was conferred by an Australian university or tertiary institution—by an Australian signatory to the Washington Accord, or

(ii) for a qualification that was conferred by a foreign university or tertiary institution—by an assessing authority for the skilled occupation of civil engineer or mechanical engineer,

(2) **Knowledge** Must know and understand the following—

(a) the Act and this Regulation,

(b) the *Environmental Planning and Assessment Act 1979*, including regulations made under that Act, to the extent that the legislation is relevant to this class of registration,

(c) the *Building Code of Australia*, Volumes 1 and 2, including documents adopted by reference in the *Building Code of Australia*, to the extent that the documents are relevant to this class of registration,

(d) building design, including methods, materials and planning, to the extent that this knowledge is relevant to this class of registration.

(3) **Skills** Must be able to do the following—

(a) interpret, apply and assess compliance with the relevant requirements of the *Building Code of Australia*,

(b) apply and assess compliance with relevant standards relating to the design of a building, including materials, finishes, fittings, components and systems of a building, to the extent that the standards are relevant to this class of registration.

10 Design practitioner—drainage (restricted)

(1) **Qualifications** Must have an NVR approved certificate IV in plumbing and services.

(2) **Knowledge** Must know and understand the following—

(a) the Act and this Regulation,

(b) the *Environmental Planning and Assessment Act 1979*, including regulations made under that Act, to the extent that the legislation is relevant to this class of registration,

(c) the *Building Code of Australia*, Volumes 1 and 2, including documents adopted by reference in the *Building Code of Australia*, to the extent that the documents are relevant to this class of registration,

(d) building design, including methods, materials and planning, to the extent that this knowledge is relevant to this class of registration.

(3) **Skills** Must be able to do the following—

(a) interpret, apply and assess compliance with the relevant requirements of the *Building Code of Australia*,

(b) apply and assess compliance with relevant standards relating to the design of a building, including materials, finishes, fittings, components and systems of a building, to the extent that the standards are relevant to this class of registration.

11 Design practitioner—electrical engineering

(1) **Qualifications** Must be registered as a professional engineer in the class of professional engineer—electrical under the Act.

(2) **Knowledge** Must know and understand the following—

(a) the Act and this Regulation,

(b) the *Environmental Planning and Assessment Act 1979*, including regulations made under that Act, to the extent that the legislation is relevant to this class of registration,

(c) the *Building Code of Australia*, Volumes 1 and 2, including documents adopted by reference in the *Building Code of Australia*, to the extent that the documents are relevant to this class of registration,

(d) building design, including methods, materials and planning, to the extent that this knowledge is relevant to this class of registration.

(3) **Skills** Must be able to do the following—

(a) interpret, apply and assess compliance with the relevant requirements of the *Building Code of Australia*,

(b) apply and assess compliance with relevant standards relating to the design of a building, including materials, finishes, fittings, components and systems of a building, to the extent that the standards are relevant to this class of registration.

12 Design practitioner—facade

(1) **Qualifications** At least 1 of the following—

(a) an accredited 4 year full-time or equivalent part-time undergraduate bachelor degree in—

(i) engineering with a major in civil engineering, mechanical engineering or structural engineering, or

(ii) civil engineering, or

(iii) mechanical engineering, or

(iv) structural engineering,

(b) an accredited postgraduate masters degree in—

(i) engineering with a major in civil engineering, mechanical engineering or structural engineering, or

(ii) civil engineering, or

(iii) mechanical engineering, or

(iv) structural engineering,

(c) a non-accredited qualification that has been assessed as being equivalent to an accredited qualification in paragraph (a) or (b)—

(i) for a qualification that was conferred by an Australian university or tertiary institution—by an Australian signatory to the Washington Accord, or

(ii) for a qualification that was conferred by a foreign university or tertiary institution—by an assessing authority for the skilled occupation of civil engineer, mechanical engineer or structural engineer,

(d) registration as a registered professional engineer in any of the following classes—

(i) professional engineer—civil,

(ii) professional engineer—mechanical,

(iii) professional engineer—structural.

(2) **Knowledge** Must know and understand the following—

(a) the Act and this Regulation,

(b) the *Environmental Planning and Assessment Act 1979*, including regulations made under that Act, to the extent that the legislation is relevant to this class of registration,

(c) the *Building Code of Australia*, Volumes 1 and 2, including documents adopted by reference in the *Building Code of Australia*, to the extent that the documents are relevant to this class of registration,

(d) building design, including methods, materials and planning, to the extent that this knowledge is relevant to this class of registration.

(3) **Skills** Must be able to do the following—

(a) interpret, apply and assess compliance with the relevant requirements of the *Building Code of Australia*,

(b) apply and assess compliance with relevant standards relating to the design of a building, including materials, finishes, fittings, components and systems of a building, to the extent that the standards are relevant to this class of registration.

13 Design practitioner—fire safety engineering

(1) **Qualifications** Must be registered as a professional engineer in the class of professional engineer—fire safety under the Act.

(2) **Knowledge** Must know and understand the following—

(a) the Act and this Regulation,

(b) the *Environmental Planning and Assessment Act 1979*, including regulations made under that Act, to the extent that the legislation is relevant to this class of registration,

(c) the *Building Code of Australia*, Volumes 1 and 2, including documents adopted by reference in the *Building Code of Australia*, to the extent that the documents are relevant to this class of registration,

(d) the science of fire,

(e) the principles of fire engineering, including fire engineering processes and methodologies,

(f) relevant fire engineering guidelines,

(g) building design, including methods, materials and planning, to the extent that this knowledge is relevant to this class of registration.

(3) **Skills** Must be able to do the following—

(a) apply scientific and engineering principles to evaluate strategies to protect people and their environment from the consequences of fire,

(b) anticipate the behaviour of materials, structures, machines, apparatus and processes when exposed to fire,

(c) assess the holistic performance of a fire engineering design and determine whether all fire safety solutions, including performance solutions, comply with the relevant performance requirements of the *Building Code of Australia*,

(d) apply relevant fire engineering guidelines, including the *International Fire*

Engineering Guidelines,

(e) apply fire engineering models and tools,

(f) apply and assess compliance with relevant standards relating to the fire safety of a building, including materials, finishes, fittings, components and systems of a building, to the extent that the standards are relevant to this class of registration.

14 Design practitioner—fire systems (detection and alarm systems)

(1) **Pathway 1**

(a) **Qualifications**

Must have an NVR approved Diploma of Fire Systems Design (CPC50509), including successful completion of the following units of competency—

(i) CPCPCM4013A Produce 2-D architectural drawings using CAD software,

(ii) CPCSFS5003A Develop plans and methodology for fire systems design projects,

(iii) CPCSFS5008A Create detailed designs for fire detection and warning systems,

(iv) CPCSFS5011A Provide design documentation and review and support fire system installation processes,

(v) CPCSFS5013A Support commissioning processes and finalise fire systems design projects.

(b) **Knowledge**

Must know and understand the following—

(i) the Act and this Regulation,

(ii) the *Environmental Planning and Assessment Act 1979*, including regulations made under that Act, to the extent that the legislation is relevant to this class of registration,

(iii) the *Building Code of Australia*, Volumes 1 and 2, including documents adopted by reference in the *Building Code of Australia*, to the extent that the documents are relevant to this class of registration,

(iv) fire systems technology and components,

(v) building design, including methods, materials and planning, to the extent that this knowledge is relevant to this class of registration.

(c) **Skills**

Must be able to do the following—

(i) interpret, apply and assess compliance with the relevant requirements of the *Building Code of Australia*,

(ii) apply and assess compliance with relevant standards relating to the design of a building, including materials, finishes, fittings, components and systems of a building, to the extent that the standards are relevant to this class of registration,

(iii) design fire safety systems to protect people and their environment from the consequences of fire,

(iv) anticipate the behaviour of materials, structures, machines, apparatus and processes when exposed to fire.

(2) **Pathway 2**

(a) **Qualifications**

Must have an engineering degree from an Australian university or a qualification under an accredited program and successful completion of the following units of competency—

(i) CPCSFS5001A Define scope and hazard level of fire systems design projects,

(ii) CPCSFS5002A Research and interpret detailed fire systems design project requirements,

(iii) CPCSFS5003A Develop plans and methodology for fire systems design projects,

(iv) CPCSFS5005A Research and evaluate fire system technologies and components,

(v) CPCSFS5008A Create detailed designs for fire detection and warning systems,

(vi) CPCSFS5011A Provide design documentation and review and support fire system installation processes,

(vii) CPCSFS5013A Support commissioning processes and finalise fire systems design projects.

(b) **Knowledge**

Must have the knowledge referred to in subclause (1)(b).

(c) **Skills**

Must have the skills referred to in subclause (1)(c).

15 Design practitioner—fire systems (fire hydrant and fire hose reel)

(1) **Pathway 1**

(a) **Qualifications**

Must have an NVR approved Diploma of Fire Systems Design (CPC50509), including successful completion of the following units of competency—

(i) CPCPCM4013A Produce 2-D architectural drawings using CAD software,

(ii) CPCSFS5003A Develop plans and methodology for fire systems design projects,

(iii) CPCSFS5007A Create detailed designs for hydrant and hose reel systems,

(iv) CPCSFS5009A Create detailed designs for fire systems' water supplies,

(v) CPCSFS5011A Provide design documentation and review and support fire system installation processes,

(vi) CPCSFS5013A Support commissioning processes and finalise fire systems design projects.

(b) **Knowledge**

Must know and understand the following—

(i) the Act and this Regulation,

(ii) the *Environmental Planning and Assessment Act 1979*, including regulations made under that Act, to the extent that the legislation is relevant to this class of registration,

(iii) the *Building Code of Australia*, Volumes 1 and 2, including documents adopted by reference in the *Building Code of Australia*, to the extent that the documents are relevant to this class of registration,

(iv) fire systems technology and components,

(v) building design, including methods, materials and planning, to the extent that this knowledge is relevant to this class of registration.

(c) **Skills**

Must be able to do the following—

(i) interpret, apply and assess compliance with the relevant requirements of the *Building Code of Australia*,

(ii) apply and assess compliance with relevant standards relating to the design of

a building, including materials, finishes, fittings, components and systems of a building, to the extent that the standards are relevant to this class of registration,

(iii) design fire safety systems to protect people and their environment from the consequences of fire,

(iv) anticipate the behaviour of materials, structures, machines, apparatus and processes when exposed to fire.

(2) **Pathway 2**

(a) **Qualifications**

Must have an engineering degree from an Australian university or a qualification under an accredited program and successful completion of the following units of competency—

(i) CPCSFS5001A Define scope and hazard level of fire systems design projects,

(ii) CPCSFS5002A Research and interpret detailed fire systems design project requirements,

(iii) CPCSFS5003A Develop plans and methodology for fire systems design projects,

(iv) CPCSFS5005A Research and evaluate fire system technologies and components,

(v) CPCSFS5007A Create detailed designs for hydrant and hose reel systems,

(vi) CPCSFS5009A Create detailed designs for fire systems' water supplies,

(vii) CPCSFS5011A Provide design documentation and review and support fire system installation processes,

(viii) CPCSFS5013A Support commissioning processes and finalise fire systems design projects.

(b) **Knowledge**

Must have the knowledge referred to in subclause (1)(b).

(c) **Skills**

Must have the skills referred to in subclause (1)(c).

(3) **Pathway 3**

(a) **Qualifications**

Must have the following—

(i) an NVR approved diploma of hydraulic services design,

(ii) the successful completion of the units of competency referred to in subclause (2)(a)(ii)–(viii).

(b) **Knowledge**

Must have the knowledge referred to in subclause (1)(b).

(c) **Skills**

Must have the skills referred to in subclause (1)(c).

16 Design practitioner—fire systems (fire sprinkler)

(1) **Pathway 1**

(a) **Qualifications**

Must have an NVR approved Diploma of Fire Systems Design (CPC50509), including successful completion of the following units of competency—

(i) CPCPCM4013A Produce 2-D architectural drawings using CAD software,

(ii) CPCSFS5003A Develop plans and methodology for fire systems design projects,

(iii) CPCSFS5006A Create detailed designs for fire sprinkler systems,

(iv) CPCSFS5009A Create detailed designs for fire systems' water supplies,

(v) CPCSFS5010A Provide documentation and support for fabrication of fire sprinkler systems,

(vi) CPCSFS5011A Provide design documentation and review and support fire system installation processes,

(vii) CPCSFS5013A Support commissioning processes and finalise fire systems design projects.

(b) **Knowledge**

Must know and understand the following—

(i) the Act and this Regulation,

(ii) the *Environmental Planning and Assessment Act 1979*, including regulations made under that Act, to the extent that the legislation is relevant to this class of registration,

(iii) the *Building Code of Australia*, Volumes 1 and 2, including documents adopted by reference in the *Building Code of Australia*, to the extent that the documents are relevant to this class of registration,

(iv) fire systems technology and components,

(v) building design, including methods, materials and planning, to the extent that this knowledge is relevant to this class of registration.

(c) **Skills**

Must be able to do the following—

(i) interpret, apply and assess compliance with the relevant requirements of the *Building Code of Australia*,

(ii) apply and assess compliance with relevant standards relating to the design of a building, including materials, finishes, fittings, components and systems of a building, to the extent that the standards are relevant to this class of registration,

(iii) design fire safety systems to protect people and their environment from the consequences of fire,

(iv) anticipate the behaviour of materials, structures, machines, apparatus and processes when exposed to fire.

(2) **Pathway 2**

(a) **Qualifications**

Must have an engineering degree from an Australian university or a qualification under an accredited program and successful completion of the following units of competency—

(i) CPCSFS5001A Define scope and hazard level of fire systems design projects,

(ii) CPCSFS5002A Research and interpret detailed fire systems design project requirements,

(iii) CPCSFS5003A Develop plans and methodology for fire systems design projects,

(iv) CPCSFS5005A Research and evaluate fire system technologies and components,

(v) CPCSFS5006A Create detailed designs for fire sprinkler systems,

(vi) CPCSFS5009A Create detailed designs for fire systems' water supplies,

(vii) CPCSFS5010A Provide documentation and support for fabrication of fire sprinkler systems,

(viii) CPCSFS5011A Provide design documentation and review and support fire system installation processes,

(ix) CPCSFS5013A Support commissioning processes and finalise fire systems design projects.

(b) **Knowledge**

Must have the knowledge referred to in subclause (1)(b).

(c) **Skills**

Must have the skills referred to in subclause (1)(c).

(3) **Pathway 3**

(a) **Qualifications**

Must have the following—

(i) an NVR approved diploma in hydraulic services design,

(ii) the successful completion of the units of competency referred to in subclause (2)(a)(ii)–(ix).

(b) **Knowledge**

Must have the knowledge referred to in subclause (1)(b).

(c) **Skills**

Must have the skills referred to in subclause (1)(c).

17 Design practitioner—fire systems (mechanical smoke control)

(1) **Qualifications** At least 1 of the following—

(a) an accredited 4 year full-time or equivalent part-time undergraduate bachelor degree in mechanical engineering or engineering with a major in mechanical engineering,

(b) an accredited postgraduate masters degree in mechanical engineering or engineering with a major in mechanical engineering,

(c) a non-accredited qualification that has been assessed as being equivalent to an accredited qualification in paragraph (a) or (b)—

(i) for a qualification that was conferred by an Australian university or tertiary

institution—by an Australian signatory to the Washington Accord, or

(ii) for a qualification that was conferred by a foreign university or tertiary institution—by an assessing authority for the skilled occupation of mechanical engineer.

(2) **Knowledge** Must know and understand the following—

(a) the Act and this Regulation,

(b) the *Environmental Planning and Assessment Act 1979*, including regulations made under that Act, to the extent the legislation is relevant to this class of registration,

(c) the *Building Code of Australia*, Volumes 1 and 2, including documents adopted by reference in the *Building Code of Australia*, to the extent the documents are relevant to this class of registration,

(d) fire systems technology and components,

(e) building design, including methods, materials and planning, to the extent this knowledge is relevant to this class of registration.

(3) **Skills** Must be able to do the following—

(a) interpret, apply and assess compliance with the relevant requirements of the *Building Code of Australia*,

(b) apply and assess compliance with relevant standards relating to the design of a building, including materials, finishes, fittings, components and systems of a building, to the extent the standards are relevant to this class of registration,

(c) design fire safety systems to protect people and their environment from the consequences of fire,

(d) anticipate the behaviour of materials, structures, machines, apparatus and processes when exposed to fire.

18 Design practitioner—geotechnical engineering

(1) **Qualifications** Must be registered as a professional engineer in the class of professional engineer—geotechnical under the Act.

(2) **Knowledge** Must know and understand the following—

(a) the Act and this Regulation,

(b) the *Environmental Planning and Assessment Act 1979*, including regulations made under that Act, to the extent that the legislation is relevant to this class of registration,

(c) the *Building Code of Australia*, Volumes 1 and 2, including documents adopted by reference in the *Building Code of Australia*, to the extent that the documents are relevant to this class of registration,

(d) building design, including methods, materials and planning, to the extent that this knowledge is relevant to this class of registration.

(3) **Skills** Must be able to do the following—

(a) interpret, apply and assess compliance with the relevant requirements of the *Building Code of Australia*,

(b) apply and assess compliance with relevant standards relating to the design of a building, including materials, finishes, fittings, components and systems of a building, to the extent that the standards are relevant to this class of registration.

19 Design practitioner—mechanical engineering

(1) **Qualifications** Must be registered as a professional engineer in the class of professional engineer—mechanical under the Act.

(2) **Knowledge** Must know and understand the following—

(a) the Act and this Regulation,

(b) the *Environmental Planning and Assessment Act 1979*, including regulations made under that Act, to the extent that the legislation is relevant to this class of registration,

(c) the *Building Code of Australia*, Volumes 1 and 2, including documents adopted by reference in the *Building Code of Australia*, to the extent that the documents are relevant to this class of registration,

(d) building design, including methods, materials and planning, to the extent that this knowledge is relevant to this class of registration.

(3) **Skills** Must be able to do the following—

(a) interpret, apply and assess compliance with the relevant requirements of the *Building Code of Australia*,

(b) apply and assess compliance with relevant standards relating to the design of a building, including materials, finishes, fittings, components and systems of a building, to the extent that the standards are relevant to this class of registration.

20 Design practitioner—structural engineering

(1) **Qualifications** Must be registered as a professional engineer in the class of professional engineer—structural under the Act.

(2) **Knowledge** Must know and understand the following—

(a) the Act and this Regulation,

(b) the *Environmental Planning and Assessment Act 1979*, including regulations made under that Act, to the extent that the legislation is relevant to this class of registration,

(c) the *Building Code of Australia*, Volumes 1 and 2, including documents adopted by reference in the *Building Code of Australia*, to the extent that the documents are relevant to this class of registration,

(d) building design, including methods, materials and planning, to the extent that this knowledge is relevant to this class of registration.

(3) **Skills** Must be able to do the following—

(a) interpret, apply and assess compliance with the relevant requirements of the *Building Code of Australia*,

(b) apply and assess compliance with relevant standards relating to the design of a building, including materials, finishes, fittings, components and systems of a building, to the extent that the standards are relevant to this class of registration.

21 Design practitioner—vertical transportation

(1) **Pathway 1—qualifications** Must have a qualification referred to in paragraph (a), (b) or (c) and a qualification referred to in paragraph (d) or (e) as follows—

(a) an accredited 4 year full-time or equivalent part-time undergraduate bachelor degree in—

(i) engineering with a major in electrical engineering or mechanical engineering, or

(ii) electrical engineering or mechanical engineering,

(b) an accredited postgraduate masters degree in—

(i) engineering with a major in electrical engineering or mechanical engineering, or

(ii) electrical engineering or mechanical engineering,

(c) a non-accredited qualification that has been assessed as being equivalent to an accredited qualification in paragraph (a) or (b)—

(i) for a qualification that was conferred by an Australian university or tertiary institution—by an Australian signatory to the Washington Accord, or

(ii) for a qualification that was conferred by a foreign university or tertiary institution—by an assessing authority for the skilled occupation of vertical engineer, if any,

(d) recognition or registration as a professional engineer in an area of vertical transportation engineering by a recognised engineering body,

(e) successful completion of a competency assessment.

(2) **Pathway 2—qualifications** Must have at least 1 of the following—

(a) an accredited 4 year full-time or equivalent part-time undergraduate bachelor degree in—

(i) engineering with a major in vertical transportation engineering, or

(ii) vertical transportation engineering,

(b) an accredited postgraduate masters degree in—

(i) engineering with a major in vertical transportation engineering, or

(ii) vertical transportation engineering.

(3) **Pathway 3—qualifications** Must have the following—

(a) at least 10 years, or equivalent part-time, practical experience within the last 15 years that—

(i) must include at least 2 years of work carried out in Australia, and

(ii) must be relevant to the preparation of a regulated design or the provision of a compliance declaration for any class of building,

(b) 1 of the following qualifications—

(i) NVR approved certificate IV or above in electrical, mechanical, electronic or similar,

(ii) NVR approved graduate certificate in vertical transportation engineering,

(iii) NVR approved certificate III or above in electrical or mechanical,

(c) successful completion of a competency assessment.

(4) **Knowledge—all pathways** Must know and understand the following—

(a) the Act and this Regulation,

(b) the *Environmental Planning and Assessment Act 1979*, including regulations made under that Act, to the extent that the legislation is relevant to this class of

registration,

(c) the *Building Code of Australia*, Volumes 1 and 2, including documents adopted by reference in the *Building Code of Australia*, to the extent that the documents are relevant to this class of registration,

(d) *AS 1735, Lifts, Escalators, and Moving Walks*, as in force from time to time,

(e) building design, including methods, materials and planning, to the extent that this knowledge is relevant to this class of registration.

(5) **Skills—all pathways** Must be able to do the following—

(a) interpret, apply and assess compliance with the relevant requirements of the *Building Code of Australia*,

(b) apply and assess compliance with relevant standards relating to the design of a building, including materials, finishes, fittings, components and systems of a building, to the extent that the standards are relevant to this class of registration.

(6) **Repeals** This subclause and subclause (3) are repealed at the end of 30 June 2022.

(7) This subclause and subclause (3)(b)(iii) are repealed at the end of 28 February 2022.

Part 3 Principal design practitioners

22 Principal design practitioner—general

(1) **Qualifications** Must be registered as a design practitioner under the Act, other than as a design practitioner in the following classes—

(a) design practitioner—building design (low rise),

(b) design practitioner—building design (medium rise),

(c) design practitioner—drainage (restricted),

(d) design practitioner—vertical transportation.

(2) **Knowledge, experience and skills** No additional experience, knowledge and skills other than the experience, knowledge and skills required for obtaining a registration as a design practitioner under the Act in a class referred to in subclause (1).

Part 4 Building practitioners

23 Building practitioner—body corporate

Qualifications, experience, knowledge and skills Must—

(a) be a body corporate, and

(b) hold a contractor licence authorising the holder to do general building work under the *Home Building Act 1989*.

(c) (Repealed)

24 Building practitioner—body corporate nominee

(1) **Qualifications** Must be a holder of a supervisor certificate authorising the holder to do general building work under the *Home Building Act 1989*.

(2) **Experience** Must have 5 years recent relevant practical experience.

(3) **Knowledge** Must know and understand the following—

(a) the Act and this Regulation,

(b) the *Environmental Planning and Assessment Act 1979*, including regulations made under that Act, to the extent that the legislation is relevant to this class of registration,

(c) the *Building Code of Australia*, Volumes 1 and 2, including documents adopted by reference in the *Building Code of Australia*,

(d) building design and construction, including methods, materials and planning.

(4) **Skills** Must be able to interpret, apply and assess compliance with the relevant requirements of the *Building Code of Australia*.

25 Building practitioner—general

(1) **Qualifications** Must be a holder of an endorsed contractor licence authorising the holder to do general building work under the *Home Building Act 1989*.

(2) **Experience** Must have 5 years recent relevant practical experience.

(3) **Knowledge** Must know and understand the following—

(a) the Act and this Regulation,

(b) the *Environmental Planning and Assessment Act 1979*, including regulations made under that Act, to the extent that the legislation is relevant to this class of registration,

(c) the *Building Code of Australia*, Volumes 1 and 2, including documents adopted by reference in the *Building Code of Australia*,

(d) building design and construction, including methods, materials and planning.

(4) **Skills** Must be able to interpret, apply and assess compliance with the relevant requirements of the *Building Code of Australia*.

Part 5 Professional engineers

26 Experience—all classes of professional engineer

Must have 5 years recent relevant practical experience.

27 Knowledge and skills—all classes of professional engineer

(1) **Pathway 1**

(a) **Knowledge**

Must know and understand the following, to the extent that they are relevant to the prescribed area of engineering to which a particular class of registration as a professional engineer relates—

(i) engineering principles for natural and physical science and sustainable engineering,

(ii) mathematics, numerical analysis, statistics and computer and information sciences,

(iii) specialist knowledge,

(iv) engineering design and construction, and the physical, natural and environmental factors that may impact the design and construction.

(b) **Skills**

Must be able to do the following, to the extent that the skill is relevant to the prescribed area of engineering to which a particular class of registration as a professional engineer relates—

(i) apply established engineering methods to engineering issues,

(ii) apply engineering techniques, tools and resources,

(iii) apply systematic engineering synthesis and design processes,

(iv) apply systematic approaches to the management of engineering projects.

(2) **Pathway 2**

(a) **Knowledge**

No additional knowledge other than the knowledge required to be recognised or registered as a professional engineer by a recognised engineering body.

(b) **Skills**

No additional skills other than the skills required to be recognised or registered as

a professional engineer by a recognised engineering body.

(3) **Pathway 3**

(a) **Knowledge**

No additional knowledge other than the knowledge required—

(i) to be recognised or registered as a professional engineer by a professional body of engineers that operates with a professional standards scheme, and

(ii) to satisfy the knowledge requirements of the professional standards scheme.

(b) **Skills**

No additional skills other than the skills required—

(i) to be recognised or registered as a professional engineer by a professional body of engineers that operates with a professional standards scheme, and

(ii) to satisfy the skill requirements of the professional standards scheme.

28 Professional engineer—civil

(1) **Pathway 1—qualifications** At least 1 of the following—

(a) an accredited 4 year full-time or equivalent part-time undergraduate bachelor degree in—

(i) engineering with a major in civil engineering, or

(ii) civil engineering,

(b) an accredited postgraduate masters degree in—

(i) engineering with a major in civil engineering, or

(ii) civil engineering,

(c) a non-accredited qualification that has been assessed as being equivalent to an accredited qualification in paragraph (a) or (b)—

(i) for a qualification that was conferred by an Australian university or tertiary institution—by an Australian signatory to the Washington Accord, or

(ii) for a qualification that was conferred by a foreign university or tertiary institution—by an assessing authority for the skilled occupation of civil engineer.

(2) **Pathway 2—qualifications** Recognition or registration as a professional engineer in an area of civil engineering by a recognised engineering body.

(3) **Pathway 3—qualifications** Recognition or registration as a professional engineer in an area of civil engineering by a professional body of engineers that—

(a) operates with a professional standards scheme, and

(b) requires the successful completion of a qualification relevant to carrying out professional engineering work in accordance with the professional standards scheme.

29 Professional engineer—electrical

(1) **Pathway 1—qualifications** At least 1 of the following—

(a) an accredited 4 year full-time or equivalent part-time undergraduate bachelor degree in electrical engineering or engineering with a major in electrical engineering,

(b) an accredited postgraduate masters degree in—

(i) electrical engineering, or

(ii) engineering with a major in electrical engineering,

(c) a non-accredited qualification that has been assessed as being equivalent to an accredited qualification in paragraph (a) or (b)—

(i) for a qualification that was conferred by an Australian university or tertiary institution—by an Australian signatory to the Washington Accord, or

(ii) for a qualification that was conferred by a foreign university or tertiary institution—by an assessing authority for the skilled occupation of electrical engineer.

(2) **Pathway 2—qualifications** Recognition or registration as a professional engineer in an area of electrical engineering by a recognised engineering body.

(3) **Pathway 3—qualifications** Recognition or registration as a professional engineer in an area of electrical engineering by a professional body of engineers that—

(a) operates with a professional standards scheme, and

(b) requires the successful completion of a qualification relevant to carrying out professional engineering work in accordance with the professional standards scheme.

30 Professional engineer—fire safety

(1) **Pathway 1—qualifications** Must have a qualification referred to in paragraph (a), (b) or (c) as follows—

(a) at least 1 of the following—

(i) an accredited 4 year full-time or equivalent part-time undergraduate bachelor degree in fire safety engineering or engineering with a major in fire safety engineering,

(ii) an accredited postgraduate masters degree in fire safety engineering or engineering with a major in fire safety engineering,

(iii) a non-accredited qualification that has been assessed as being equivalent to an accredited qualification in subparagraph (i) or (ii)—

(A) for a qualification that was conferred by an Australian university or tertiary institution—by an Australian signatory to the Washington Accord, or

(B) for a qualification that was conferred by a foreign university or tertiary institution—by an assessing authority for the skilled occupation of fire safety engineer, if any,

(b) all of the following—

(i) an accredited 4 year full-time or equivalent part-time undergraduate bachelor degree in—

(A) civil engineering, mechanical engineering, chemical engineering or electrical engineering, or

(B) engineering with a major in civil engineering, mechanical engineering, chemical engineering or electrical engineering,

(ii) an accredited postgraduate diploma in engineering in fire safety engineering or an NVR approved graduate diploma in fire safety engineering,

(c) all of the following—

(i) a non-accredited qualification that has been assessed as being equivalent to an accredited qualification in paragraph (b)(i)—

(A) for a qualification that was conferred by an Australian university or tertiary institution—by an Australian signatory to the Washington Accord, or

(B) for a qualification that was conferred by a foreign university or tertiary institution—by an assessing authority for the skilled occupation of fire safety engineer, if any,

(ii) a non-accredited qualification that has been assessed as being equivalent to an accredited qualification in paragraph (b)(ii)—

(A) for a qualification that was conferred by an Australian university or tertiary

institution—by an Australian signatory to the Washington Accord, or

(B) for a qualification that was conferred by a foreign university or tertiary institution—by an assessing authority for the skilled occupation of fire safety engineer, if any.

(2) **Pathway 2—qualifications** Recognition or registration as a professional engineer in an area of fire safety engineering by a recognised engineering body.

(3) **Pathway 3—qualifications** Recognition or registration as a professional engineer in an area of fire safety engineering by a professional body of engineers that—

(a) operates with a professional standards scheme, and

(b) requires the successful completion of a qualification relevant to carrying out professional engineering work in accordance with the professional standards scheme.

31 Professional engineer—geotechnical

(1) **Pathway 1—qualifications** At least 1 of the following—

(a) an accredited 4 year full-time or equivalent part-time undergraduate bachelor degree in—

(i) engineering with a major in geotechnical engineering or civil engineering, or

(ii) civil engineering, or

(iii) geotechnical engineering,

(b) an accredited postgraduate masters degree in—

(i) engineering with a major in geotechnical engineering or civil engineering, or

(ii) civil engineering, or

(iii) geotechnical engineering,

(c) a non-accredited qualification that has been assessed as being equivalent to an accredited qualification in paragraph (a) or (b)—

(i) for a qualification that was conferred by an Australian university or tertiary institution—by an Australian signatory to the Washington Accord, or

(ii) for a qualification that was conferred by a foreign university or tertiary institution—by an assessing authority for the skilled occupation of geotechnical engineer or civil engineer.

(2) **Pathway 2—qualifications** Recognition or registration as a professional engineer in an

area of geotechnical engineering by a recognised engineering body.

(3) **Pathway 3—qualifications** Recognition or registration as a professional engineer in an area of geotechnical engineering by a professional body of engineers that—

(a) operates with a professional standards scheme, and

(b) requires the successful completion of a qualification relevant to carrying out professional engineering work in accordance with the professional standards scheme.

32 Professional engineer—mechanical

(1) **Pathway 1—qualifications** At least 1 of the following—

(a) an accredited 4 year full-time or equivalent part-time undergraduate bachelor degree in mechanical engineering or engineering with a major in mechanical engineering,

(b) an accredited postgraduate masters degree in—

(i) mechanical engineering, or

(ii) engineering with a major in mechanical engineering,

(c) a non-accredited qualification that has been assessed as being equivalent to an accredited qualification in paragraph (a) or (b)—

(i) for a qualification that was conferred by an Australian university or tertiary institution—by an Australian signatory to the Washington Accord, or

(ii) for a qualification that was conferred by a foreign university or tertiary institution—by an assessing authority for the skilled occupation of mechanical engineer.

(2) **Pathway 2—qualifications** Recognition or registration as a professional engineer in an area of mechanical engineering by a recognised engineering body.

(3) **Pathway 3—qualifications** Recognition or registration as a professional engineer in an area of mechanical engineering by a professional body of engineers that—

(a) operates with a professional standards scheme, and

(b) requires the successful completion of a qualification relevant to carrying out professional engineering work in accordance with the professional standards scheme.

33 Professional engineer—structural

(1) **Pathway 1—qualifications** At least 1 of the following—

(a) an accredited 4 year full-time or equivalent part-time undergraduate bachelor degree in—

(i) engineering with a major in civil engineering or structural engineering, or

(ii) civil engineering, or

(iii) structural engineering,

(b) an accredited postgraduate masters degree in—

(i) engineering with a major in civil engineering or structural engineering, or

(ii) civil engineering, or

(iii) structural engineering,

(c) a non-accredited qualification that has been assessed as being equivalent to an accredited qualification in paragraph (a) or (b)—

(i) for a qualification that was conferred by an Australian university or tertiary institution—by an Australian signatory to the Washington Accord, or

(ii) for a qualification that was conferred by a foreign university or tertiary institution—by an assessing authority for the skilled occupation of structural engineer or civil engineer.

(2) **Pathway 2—qualifications** Recognition or registration as a professional engineer in an area of structural engineering by a recognised engineering body.

(3) **Pathway 3—qualifications** Recognition or registration as a professional engineer in an area of structural engineering by a professional body of engineers that—

(a) operates with a professional standards scheme, and

(b) requires the successful completion of a qualification relevant to carrying out professional engineering work in accordance with the professional standards scheme.

Schedule 3 Continuing professional development

1 Definitions

In this Schedule—

Guidelines means guidelines issued by the Secretary and made publicly available on a website of the Department.

relevant education and training for a registered practitioner means education and training that is relevant to the class of registration in which the registered practitioner is

registered and includes education and training carried out as a requirement imposed under a relevant authorisation held by the registered practitioner.

2 Registered practitioners must complete required continuing professional development

(1) For the purposes of section 107(2)(b) of the Act, a registered practitioner must complete—

(a) the continuing professional development requirements specified in this Schedule, and

(b) additional continuing professional development requirements that may be imposed on the registered practitioner by the Secretary.

(2) The Secretary may, if the Secretary considers it to be reasonably necessary in the circumstances—

(a) by written notice to a registered practitioner—

(i) impose additional continuing professional development requirements on the registered practitioner, or

(ii) exempt the registered practitioner from some or all of the continuing professional development requirements specified in this Schedule, or

(b) by notice in the Gazette, exempt a class of registered practitioners from some or all of the continuing professional development requirements specified in this Schedule.

3 Registered practitioner must keep records of completed continuing professional development

It is a condition of registration as a registered practitioner that the registered practitioner must—

(a) keep written records specifying how the registered practitioner has satisfied the registered practitioner's continuing professional development requirements for each year, and

(b) maintain the records for at least 5 years, and

(c) provide copies of the records to the Secretary if requested by the Secretary in writing.

4 Requirements for prescribed practitioners

(1) A prescribed practitioner must each year successfully complete at least 3 hours of relevant education and training that is approved by the Secretary in the Guidelines.

(2) A registered principal design practitioner is exempt from the requirement to complete the continuing professional development requirements specified in this Schedule, but

only if—

(a) the practitioner successfully completes the continuing professional development requirements for the practitioner's registration as a design practitioner, and

(b) the Secretary does not impose additional continuing professional development requirements on the practitioner, whether in the practitioner's capacity as a registered principal design practitioner or registered design practitioner.

(3) Without limiting the type of relevant education and training that the Secretary may approve, the relevant education and training may require the prescribed practitioner to pass an assessment related to the relevant education and training.

5 Requirements for registered professional engineers

(1) A registered professional engineer must successfully complete continuing professional development each year.

(2) A registered professional engineer is taken to have successfully completed continuing professional development for the year concerned if—

(a) for a professional engineer who is a member of a professional body of engineers that operates with a professional standards scheme—the professional engineer satisfies the continuing professional development requirements that are imposed by the body in accordance with the professional standards scheme, or

(b) for a professional engineer who is recognised or registered by a recognised engineering body—the professional engineer satisfies the continuing professional development requirements imposed by the body, or

(c) in other cases—the professional engineer successfully completes at least 50 hours of relevant education and training for the year that is—

(i) approved by the Secretary in the Guidelines and given a value in hours by the Secretary, or

(ii) part of a program offered by a professional body approved by the Secretary in the Guidelines and given a value in hours by the professional body.

(3) A registered professional engineer who successfully completes more than 50 hours of relevant education and training for the year concerned under subclause (2)(c) may carry over some or all of the hours to the next year in a way approved by the Secretary in the Guidelines.

Schedule 4 Code of practice

clause 36(5)

Part 1 Preliminary

1 Definitions

In this Schedule—

client of a registered practitioner means a person who engages a registered practitioner to carry out work for which the practitioner is registered for the person, whether under a contract or otherwise.

improper benefit means a gift, hospitality or other benefit that could reasonably—

(a) be expected to give rise to a conflict of interest, or

(b) be perceived as an inducement or attempted inducement, or reward, for—

(i) doing something or not doing something, or

(ii) showing or not showing favour or disfavour to a person, or

(iii) using or endorsing a particular product or service in connection with the carrying out of work to which this Schedule applies.

relevant work means the preparation of a regulated design, provision of a compliance declaration or carrying out of building work by a prescribed practitioner.

Part 2 Code of practice

Division 1 Code of practice for prescribed practitioners

2 Duties apply to prescribed practitioners when acting as prescribed practitioners

(1) A prescribed practitioner is required to comply with each provision of this code of practice.

(2) The requirements set out in this Division apply to—

(a) for a registered design practitioner in the class of design practitioner—architectural—the practitioner, but only in relation to the provision of a design compliance declaration, and

(b) for any other person—the person in the person's capacity as a prescribed practitioner.

(3) Nothing in this Division affects the duty of a prescribed practitioner to comply with requirements placed on the prescribed practitioner by or under the Act or another Act

or law.

3 Duty to act in a professional manner

A prescribed practitioner—

(a) must act with honesty, integrity and in a professional manner, and

(b) must act towards the person for whom the practitioner is doing the relevant work, and carry out the relevant work, in good faith, and

(c) must not unreasonably discriminate against a person or organisation, and

(d) must exercise reasonable care and attention.

4 Duty to act within level of competence and expertise

A prescribed practitioner must not carry out relevant work that is not authorised by the prescribed practitioner's registration or is beyond the prescribed practitioner's competence or expertise.

5 Duty to maintain satisfactory level of competence

A prescribed practitioner must ensure that the prescribed practitioner remains informed of—

(a) developments in building design, construction and industry practice in relation to building design and construction, to the extent that the developments are relevant to the prescribed practitioner's work, and

(b) the law relevant to the carrying out of the prescribed practitioner's work.

6 Duty to avoid conflicts of interest

(1) A prescribed practitioner must take all reasonable steps to—

(a) manage and disclose potential or actual conflicts of interest to a client of the practitioner, and

(b) avoid actual conflicts of interest if practicable.

(2) A prescribed practitioner must not improperly use the prescribed practitioner's status, position, powers or duties for the purpose of obtaining, either directly or indirectly, a personal benefit or benefit for a relative or close associate of the prescribed practitioner.

(3) A prescribed practitioner must not solicit or accept an improper benefit in relation to the carrying out of the practitioner's work.

(4) A prescribed practitioner must take all reasonable steps to ensure that a relative or

close associate of the prescribed practitioner does not solicit or accept an improper benefit, whether on the practitioner's behalf or on behalf of another person.

7 Duty to maintain confidentiality

(1) A prescribed practitioner must not disclose confidential information acquired in the course of being a prescribed practitioner except—

(a) with the consent of the person to whom the duty of confidentiality is owed, or

(b) where the disclosure is otherwise authorised or required by law.

(2) A prescribed practitioner must not use confidential information acquired in the course of being a prescribed practitioner to secure an improper benefit for the prescribed practitioner or a relative or close associate of the prescribed practitioner.

(3) A prescribed practitioner must take all reasonable steps to ensure that confidential information acquired in the course of being a prescribed practitioner, including in relation to a client, is held securely by the prescribed practitioner.

Division 2 Code of practice for professional engineers

8 Duties apply to professional engineers when acting as professional engineers

(1) A registered professional engineer is required to comply with each provision of this code of practice.

(2) The requirements set out in this Division apply to a person only in the person's capacity as a registered professional engineer.

(3) Nothing in this Division affects the duty of a registered professional engineer to comply with—

(a) requirements placed on the professional engineer by or under the Act or another Act or law, or

(b) for a registered professional engineer who is recognised or registered by a recognised engineering body or a professional body of engineers that operates with a professional standards scheme—other codes of practice, or similar, imposed on the professional engineer by those bodies.

9 Duty to act in professional manner and abide by standards expected by community

A registered professional engineer—

(a) must act with honesty, integrity and in a professional manner, and

(b) must act towards the person for whom the professional engineer is doing professional engineering work, and carry out the work, in good faith, and

(c) must not unreasonably discriminate against a person or organisation, and

(d) must not knowingly act or enter into conduct that could bring, or tend to bring, the profession of engineers into disrepute, and

(e) must take all reasonable steps to protect the health and safety of the community when carrying out professional engineering work, including by doing the following—

(i) identifying hazards,

(ii) assessing risks,

(iii) implementing appropriate strategies to manage risk, and

(f) must take all reasonable steps to manage and avoid foreseeable adverse impacts of professional engineering work on the natural environment.

10 Duty to act within level of competence and expertise

(1) A registered professional engineer must not carry out professional engineering work that is not authorised by the professional engineer's registration or is beyond the professional engineer's competence or expertise.

(2) A registered professional engineer must inform a person for whom the engineer is carrying out, or is proposing to carry out, professional engineering work if the work is, or will be, beyond the professional engineer's competence or expertise.

(3) A registered professional engineer must seek and properly consider specialist advice if an aspect of professional engineering work is beyond the professional engineer's competence or expertise.

11 Duty to maintain satisfactory level of competence

A registered professional engineer must ensure that the professional engineer remains informed of developments in the following—

(a) practices relating to professional engineering work that are relevant to the professional engineer's prescribed area of engineering,

(b) the law relevant to the carrying out of the professional engineer's work.

12 Duty to act in best interests of client

(1) A registered professional engineer must take all reasonable steps to act in the best interests of a client of the professional engineer.

(2) However, a registered professional engineer is not required to comply with subclause (1) if acting in the best interests of the client would be—

(a) inconsistent with the requirements placed on the professional engineer by or

under the Act or another Act or law, or

(b) contrary to the public interest.

13 Duty to deal and communicate with clients in professional manner

A registered professional engineer must take all reasonable steps—

(a) to inform a client of the professional engineer of the social, environmental or economic impacts of the carrying out of professional engineering work that may affect the client, and

(b) to inform the client of concerns or decisions that the client is required to make in relation to the carrying out of professional engineering work, and

(c) to ensure that information is provided to the client in a timely manner, and in a clear and accurate form, including in relation to the following—

(i) the carrying out of professional engineering work,

(ii) fees or costs in connection with professional engineering work,

(iii) risks in connection with professional engineering work.

14 Duty to provide information to clients

A registered professional engineer carrying out, or directly supervising, professional engineering work must take all reasonable steps to provide the following information to a client of the professional engineer—

(a) the professional engineer's name, telephone number and address of the principal place of business,

(b) if a person is engaged by the registered professional engineer for the purposes of providing specialist advice in relation to professional engineering work (an ***engaged person***)—

(i) the name and telephone number of the engaged person, and

(ii) the role of the engaged person, and

(iii) the address of the engaged person's principal place of business, and

(iv) if the engaged person is registered under the Act—the registration number of the engaged person.

15 Duty to avoid conflicts of interest

(1) A registered professional engineer must take all reasonable steps to—

(a) manage and disclose potential or actual conflicts of interest to a client of the

professional engineer, and

(b) avoid actual conflicts of interest if practicable.

(2) A registered professional engineer must not improperly use the professional engineer's status, position, powers or duties for the purpose of obtaining, either directly or indirectly, personal benefit or benefit for a relative or close associate of the professional engineer.

(3) A registered professional engineer must not solicit or accept an improper benefit in relation to the carrying out of professional engineering work.

(4) A registered professional engineer must take all reasonable steps to ensure that a relative or close associate of the professional engineer does not solicit or accept an improper benefit, whether on the professional engineer's behalf or on behalf of another person.

16 Duty to maintain confidentiality

(1) A registered professional engineer must not disclose confidential information acquired in the course of being a professional engineer except—

(a) with the consent of the person to whom the duty of confidentiality is owed, or

(b) where the disclosure is otherwise authorised or required by law.

(2) A registered professional engineer must not use confidential information acquired in the course of being a registered professional engineer to secure an improper benefit for—

(a) the professional engineer, or

(b) a relative or close associate of the professional engineer.

(3) A registered professional engineer must take all reasonable steps to ensure that confidential information acquired in the course of being a registered professional engineer is held securely by the professional engineer, including in relation to a client of the professional engineer.

17 Duty not to misinform or mislead

(1) A registered professional engineer must not misinform or mislead a person about a matter relating to the carrying out of professional engineering work.

(2) A registered professional engineer must take all reasonable steps to ensure that a client of the professional engineer is made aware of a matter affecting the registration of the professional engineer that may impact on the carrying out of professional engineering work.

(3) A registered professional engineer must not misrepresent the professional engineer's qualifications, experience or expertise to a person.

18 Duty to manage and resolve disputes

(1) A registered professional engineer must take all reasonable steps to manage and resolve disputes with a client of the professional engineer that relate to the carrying out of professional engineering work.

(2) A registered professional engineer must advise a client or prospective client of the professional engineer of any process in place for the resolution of disputes before, or as soon as practicable after, carrying out professional engineering work for the client.

19 Duties regarding supervision of other persons

A registered professional engineer who directly supervises a person who is not registered as a professional engineer (an ***unregistered person***) must ensure that the unregistered person does not carry out professional engineering work under the direct supervision of the registered professional engineer unless—

(a) the work is within the professional engineer's competence and expertise, and

(b) the work is carried out competently, and

(c) the work is carried out in accordance with the requirements prescribed by the Act and this Regulation, including this code of practice, or another Act or law.

Schedule 5 Penalty notice offences

1 Application of Schedule

(1) For the purposes of section 94 of the Act—

(a) each offence created by a provision specified in this Schedule is an offence for which a penalty notice may be issued, and

(b) the amount payable for the penalty notice is the amount specified opposite the provision.

(2) If the provision is qualified by words that restrict its operation to limited kinds of offences or to offences committed in limited circumstances, the penalty notice may be issued only for—

(a) that limited kind of offence, or

(b) an offence committed in those limited circumstances.

Column 1	Column 2	Column 3

Provision	Penalty—individuals	Penalty—body corporates
Offences under the Act		
Section 9(1)	$5,500	$16,500
Section 9(2)	$5,500	$16,500
Section 9(3)	$5,500	$16,500
Section 9(4)	$5,500	$16,500
Section 9(5)	$5,500	$16,500
Section 10	$5,500	$16,500
Section 11(1)	$1,650	$5,000
Section 12(1)	$5,500	$16,500
Section 12(2)	$5,500	$16,500
Section 13	$5,500	$16,500
Section 14(1)	$1,650	$5,000
Section 15(1)	$1,650	$5,000
Section 16(4)	$1,650	$3,300
Section 17(1)	$5,500	$16,500
Section 17(2)	$5,500	$16,500
Section 17(5)	$1,650	$5,000
Section 22(2)	$11,000	$25,000
Section 23	$5,500	$16,500
Section 24(1)	$1,650	$5,000
Section 28(1)	$5,000	—
Section 28(2)	—	$11,000
Section 32(1)	$5,500	$16,500
Section 33(1)	$1,650	$5,000
Section 51(4)	$1,650	$5,000
Section 56, including a contravention of the code of practice in this Regulation, Schedule 4, but only for clauses 6(3), 7(1), 15(3) and 16(1) of the Schedule	$5,000	$9,900
Section 57(1)	$5,000	$9,900

Section 58(b)	$5,000	$9,900
Section 59(1)	$2,500	$5,000
Section 60	$825	$4,125
Section 67	$5,000	—
Section 105(4)	$4,125	$8,250
Schedule 1, clause 3(3)	$5,500	$16,500
Schedule 1, clause 4(3)	$1,650	$3,300
Offences under this Regulation		
Clause 16(1)	$1,650	$3,300
Clause 17(1)	$1,650	$3,300
Clause 20	$1,650	$3,300
Clause 23	$1,650	$3,300
Clause 24	$1,650	$3,300
Clause 84(6)	$1,650	$3,300

Schedule 6 (Repealed)

Schedule 7 Fees

clauses 31A, 50(2)(b1) and 93B(2)

Part 1 Fees payable

Column 1	Column 2	Column 3
Type of application	**Fee (in fee units)**	**Refundable component (in fee units)**
Design practitioner—architectural and engineering classes		
The fees set out below apply to registration as a design practitioner—architectural, design practitioner—civil engineering, design practitioner—electrical engineering, design practitioner—fire safety engineering, design practitioner—geotechnical engineering, design practitioner—mechanical engineering and design practitioner—structural engineering.		
(a) Application for a new registration—		
(i) for 1 year	3.81	2.39
(ii) for 3 years	8.56	7.14

(iii) for 5 years	14.28	12.86
(b) Application for renewal of a registration—		
(i) for 1 year	2.86	2.1
(ii) for 3 years	6.42	5.66
(iii) for 5 years	10.7	9.94
(c) Application for restoration of a registration—		
(i) for 1 year	3.38	2.62
(ii) for 3 years	6.94	6.18
(iii) for 5 years	11.22	10.46

Design practitioner—body corporate

(a) Application for a new registration—		
(i) for 1 year	12.84	8.23
(ii) for 3 years	28.89	24.28
(iii) for 5 years	48.14	43.53
(b) Application for renewal of a registration—		
(i) for 1 year	9.62	7.32
(ii) for 3 years	21.66	19.36

(iii) for 5 years	36.11	33.81
(c) Application for restoration of a registration—		
(i) for 1 year	10.14	7.84
(ii) for 3 years	22.18	19.88
(iii) for 5 years	36.63	34.33

Design practitioner—other classes

The fees set out below apply to registration as a design practitioner—building design (low rise), design practitioner—building design (medium rise), design practitioner—drainage, design practitioner—drainage (restricted), design practitioner—facade, design practitioner—fire systems (detection and alarm systems), design practitioner—fire systems (fire hydrant and fire hose reel), design practitioner—fire systems (fire sprinkler), design practitioner—fire systems (mechanical smoke control) and design practitioner—vertical transportation.

(a) Application for a new registration—		
(i) for 1 year	4.14	2.39
(ii) for 3 years	9.3	7.55
(iii) for 5 years	15.51	13.76
(b) Application for renewal of a registration—		
(i) for 1 year	3.1	2.1
(ii) for 3 years	6.97	5.97
(iii) for 5 years	11.63	10.63
(c) Application for restoration of a registration—		

(i) for 1 year	3.62	2.62
(ii) for 3 years	7.49	6.49
(iii) for 5 years	12.15	11.15

Principal design practitioner—body corporate

Application for the following— (a) a new registration (b) renewal of a registration (c) restoration of a registration	2.3	—

Principal design practitioner—general

Application for the following— (a) a new registration (b) renewal of a registration (c) restoration of a registration	1.0	—

Building practitioner—body corporate

(a) Application for a new registration—		
(i) for 1 year	12.84	8.23
(ii) for 3 years	28.89	24.28
(iii) for 5 years	48.14	43.53
(b) Application for renewal of a registration—		
(i) for 1 year	9.62	7.32
(ii) for 3 years	21.66	19.36

(iii) for 5 years	36.11	33.81
(c) Application for restoration of a registration—		
(i) for 1 year	10.14	7.84
(ii) for 3 years	22.18	19.88
(iii) for 5 years	36.63	34.33

Building practitioner—other classes

The fees set out below apply to registration as a building practitioner—body corporate nominee and building practitioner—general.

(a) Application for a new registration—		
(i) for 1 year	3.81	2.39
(ii) for 3 years	8.56	7.14
(iii) for 5 years	14.28	12.86
(b) Application for renewal of a registration—		
(i) for 1 year	2.86	2.1
(ii) for 3 years	6.42	5.66
(iii) for 5 years	10.7	9.94
(c) Application for restoration of a registration—		
(i) for 1 year	3.38	2.62

(ii) for 3 years	6.94	6.18
(iii) for 5 years	11.22	10.46

Professional engineer

(a) Application for a new registration—		
(i) for 1 year	5.56	3.81
(ii) for 3 years	12.52	10.77
(iii) for 5 years	20.86	19.11
(b) Application for renewal of a registration—		
(i) for 1 year	4.17	2.97
(ii) for 3 years	9.39	8.19
(iii) for 5 years	15.65	14.45
(c) Application for restoration of a registration—		
(i) for 1 year	4.69	3.49
(ii) for 3 years	9.91	8.71
(iii) for 5 years	15.95	14.75

Recognised professional engineering body

Application for recognition as a professional body of engineers	68.39	—

Part 2 Adjustment of fees for inflation

1 Definitions

In this Part—

CPI number means the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics in the latest published series of that index.

financial year means a period of 12 months commencing on 1 July.

2 Calculation of fee unit for purposes of Regulation

(1) For the purposes of this Regulation, a ***fee unit*** is—

(a) in the financial year 2021–22—$106.40, and

(b) in each subsequent financial year—the amount calculated as follows—

$$\$100 \times \frac{A}{B}$$

where—

A is the CPI number for the March quarter in the financial year immediately preceding the financial year for which the amount is calculated.

B is the CPI number for the March quarter of 2017.

(2) The amount of a fee unit is to be rounded to the nearest cent and an amount of 0.5 cent is to be rounded down.

(3) However, if the amount of a fee unit calculated for a financial year is less than the amount that applied for the previous financial year, the amount for the previous financial year applies instead.

3 Rounding of fee amounts

The amount of a fee calculated by reference to a fee unit, including the amount of a refundable component of a fee, is to be rounded to the nearest dollar and an amount of 50 cents is to be rounded down.

4 Notice of indexed fees

(1) As soon as practicable after the CPI number for the March quarter is first published by the Australian Statistician, the Secretary is required to—

(a) notify the Parliamentary Counsel of the amount of the fee unit for the next financial year so notice of the amount can be published on the NSW legislation website, and

(b) give public notice on an appropriate government website of the actual amounts of the fees applying in each financial year resulting from the application of the amount of a fee unit calculated under this Part.

(2) This Part operates to change an amount of a fee that is calculated by reference to a fee unit and the change is not dependent on the notification or other notice required by this clause.

Dictionary

clause 3

accredited, for Schedule 2—see Schedule 2, clause 1.

accredited program, for Schedule 2—see Schedule 2, clause 1.

approved arrangement, for Part 6—see clause 69(b).

approved way, in relation to regulated designs, compliance declarations and other documents that are provided to the Secretary under Part 3, means—

(a) lodgment on the NSW planning portal, or

(b) if a registered practitioner is unable to access the NSW planning portal to lodge a copy of a document for technical or other reasons—provision of the document to the Secretary within the period specified by the particular clause.

area of civil engineering means an area of engineering that involves the research, design, construction and maintenance of the built environment.

area of electrical engineering means an area of engineering that involves equipment, devices, plant and systems that use electricity, electronics and electromagnetism.

area of fire safety engineering means an area of engineering that involves the application of engineering principles and rules to the following—

(a) the fire performance of a material, structure or building,

(b) the selection of a fire system suitable for a particular building, including components of the systems,

(c) the safety and behaviour of a person in the event of a fire,

(d) the prevention, detection and suppression of fire.

area of geotechnical engineering means an area of engineering that involves the mechanics of soil and rock and the application of the mechanics to the design and construction of foundations, retaining structures, shoring excavations and ground bearing structures for buildings and other systems constructed of, or supported by, soil or rock, but does not include activities involving only geology or earth science.

area of mechanical engineering means an area of engineering that involves work carried out in

relation to devices, machines, structures, processes and systems involving mechanical elements.

area of structural engineering means an area of engineering that involves the understanding, prediction and calculation of—

(a) the stability, strength and rigidity of built structures, and

(b) how structures and buildings resist and transfer natural and other forces.

assessing authority, for Schedule 2—see Schedule 2, clause 1.

Australian university, for Schedule 2—see Schedule 2, clause 1.

client, for Schedule 4—see Schedule 4, clause 1.

competency assessment means a competency assessment conducted by the Secretary or a person or body approved by the Secretary to conduct the assessment.

complying development certificate has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

construction certificate has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

construction issued regulated design means a regulated design for which a design compliance declaration is provided that—

(a) contains the necessary detail to produce building work that would achieve compliance with the *Building Code of Australia*, including detail specifying—

(i) the proposed dimensions of the completed building, and

(ii) the characteristics and materials comprising the proposed building, and

(iii) the location of the building elements and systems proposed to be built, and

(b) can be used by a building practitioner to carry out the work in accordance with the regulated design and the *Building Code of Australia*.

design work, for Part 6—see clause 63.

fee unit—see Schedule 7, Part 2.

fire safety system has the same meaning as in the *Building Code of Australia*.

Guidelines, for Schedule 3—see Schedule 3, clause 1.

improper benefit, for Schedule 4—see Schedule 4, clause 1.

insured person, for Part 6—see clause 63.

liability, for Part 6—see clause 63.

low rise building means a class 2 building or a building containing a class 2 part that has a

maximum gross floor area of no more than 2,000m^2, but does not include a building that is Type A or Type B construction.

major, for Schedule 2—see Schedule 2, clause 1.

medium rise building means the following classes of building, but does not include a building that is Type A construction for the purposes of a class 4, 5, 6, 7b and 8 building—

(a) a class 2 building or a building containing a part of a class 2 building that has a rise in storeys of no more than 3,

(b) for a building in relation to which the ground level or first storey of the building is classified as a class 7a building—a class 2 building or a building containing a part of a class 2 building that has a rise in storeys of no more than 4.

NSW planning portal has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

NVR approved, in relation to a qualification, means a qualification from an NVR registered training organisation within the meaning of the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth that has the qualification listed on its scope of registration on the National Register under that Act.

performance requirements has the same meaning as in the *Building Code of Australia*.

prescribed applicant, for Part 9, Division 2—see clause 98.

prescribed area of engineering has the same meaning as in section 32 of the Act and includes the particular areas of engineering that are prescribed by this Regulation.

prescribed practitioner means a registered design practitioner, a registered principal design practitioner or a registered building practitioner.

principal design work, for Part 6—see clause 63.

professional indemnity policy, for Part 6—see clause 63.

professional standards scheme means a scheme approved by the Professional Standards Council, within the meaning of the *Professional Standards Act 1994*, that is in force.

recent, for Schedule 2—see Schedule 2, clause 1.

recognised engineering body means a professional body of engineers for the time being recognised by the Secretary as a recognised engineering body.

recognition function, for Part 5—see clause 48(2).

recognition or registration scheme for Part 5—see clause 48(1)(b).

registered employee, for Part 6—see clause 63.

registered individual, for Part 6—see clause 63.

registered partner, for Part 6—see clause 63.

relevant, for Schedule 2—see Schedule 2, clause 1.

relevant authorisation means—

(a) registration as an architect under the *Architects Act 2003*, or

(b) registration as a certifier under the *Building and Development Certifiers Act 2018*, or

(c) a contractor licence, endorsed contractor licence, supervisor certificate, tradesperson certificate or owner-builder permit under the *Home Building Act 1989*, or

(d) registration under the Act as a practitioner in another class.

relevant education and training, for Schedule 3—see Schedule 3, clause 1.

relevant work, for Schedule 4—see Schedule 4, clause 1.

rise in storeys has the same meaning as in the *Building Code of Australia* and relates to the whole building and not to a new part of the building.

skilled occupation, for Schedule 2, Part 5—see Schedule 2, clause 1.

suitably authorised, in relation to a registered design practitioner or registered principal design practitioner, means a registered design practitioner or a registered principal design practitioner who is authorised by the practitioner's registration to provide a declaration as to the matters to which the declaration relates.

the Act means the *Design and Building Practitioners Act 2020*.

transitional period, for Part 9, Division 2—see clause 98.

Type A construction and ***Type B construction*** have the same meanings as in the *Building Code of Australia*.

variation statement—see clause 27.

vertical transportation product means a lift, escalator or moving walkway.

Washington Accord, for Schedule 2—see Schedule 2, clause 1.