Department of **Local Government, Industry Regulation and Safety**

GOVERNMENT OF WESTERN AUSTRALIA

Building and Energy Western Australia

Form 91: Building engineer contractor (individual) – registration

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Use of this form

This form is to be used by individuals applying to be registered as building engineering contractors with the Building Services Board (the Board).

Registration as a building engineering contractor entitles the registration holder to provide building engineering services.

Registration as a building engineering contractor

A person, partnership or company must be registered as a building engineering contractor to:

- contract with others to provide building engineering services;
- issue technical certificates; or
- use a prescribed title such as registered building engineering contractor.

When considering an application for registration as a building engineering contractor the Board considers among other factors, the applicant's financial history, financial capacity, insurance, and arrangements in place to manage and supervise building engineering services.

Nominated supervisor

A building engineering contractor must have a registered building engineering practitioner appointed as the nominated supervisor at all times.

An individual building engineering contractor must also be registered as a building engineering practitioner at the appropriate level (professional, technologist or associate). If you are not eligible for building engineering practitioner registration, you will not be able to satisfy the requirements of this application Form 91.

Contractor levels

Building engineering practitioners are registered by area (civil, mechanical, structural, and fire safety) and level (professional, technologist or associate).

Building engineering contractors are generally registered by level only. This gives multi-disciplinary firms the flexibility to provide engineering services in any area in which they employ an appropriately registered practitioner to properly manage and supervise the work.

The exception to this rule is fire systems technologists and associates, which are registered separately because they have a wider scope of work than other technologists and associates (because low rise buildings don't have fire systems).

The levels of building engineering contractor, and the work that may be undertaken by each, is outlined below.

Building engineering contractor – professional
A building engineering contractor – professional is authorised to undertake building engineering work for any building or incidental structure.

A building engineering contractor – professional, individual, must also be registered as a building engineering practitioner – professional.

Building engineering contractor – technologist
A building engineering contractor – technologist is authorised to undertake building engineering work for medium rise buildings, being:

- a Class 1 or Class 10 building or incidental structure; and
- a Class 2 to 9 building up to a maximum of three storeys above a class 7a storey, but not including Type A construction except for class 2, 3 and 9 buildings.

A building engineering contractor – technologist, individual, must also be registered as a building engineering practitioner – technologist or professional.

Building engineering contractor – associate
A building engineering contractor – associate is authorised to undertake building engineering work for low rise buildings, being:

- a Class 1 or Class 10 building or incidental structure; and
- a Class 2 to 9 building with a floor area not exceeding 2,000m^2, of Type C construction only.

A building engineering contractor – associate, individual, must also be registered as a building engineering practitioner – associate, technologist or professional.

Building engineering contractor, fire systems – technologist
A building engineering contractor, fire systems – technologist is authorised to undertake fire systems engineering work for any type of building or incidental structure.

A building engineering contractor, fire systems – technologist, individual, must also be registered as a building engineering practitioner, fire systems – technologist.

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Building engineering contractor, fire systems – associate
A building engineering contractor, fire systems – associate is authorised to undertake fire systems engineering work for medium rise buildings, being:

- a Class 1 or Class 10 building or incidental structure; and
- a Class 2 to 9 building up to a maximum of three storeys above a class 7a storey, but not including Type A construction except for class 2, 3 and 9 buildings.

A building engineering contractor, fire systems – associate, individual, must also be registered as a building engineering practitioner, fire systems – associate or technologist.

Managing building engineering services

Every building engineering contractor must have arrangements in place to ensure the provision of building engineering services is properly managed and supervised.

To provide building engineering work in one or more of the prescribed engineering areas (structural, fire safety, civil or mechanical), you must satisfy the Board that you are a building engineering practitioner registered in the relevant area, and level (professional, technologist or associate), to the building engineering services which will be provided.

Financial probity

If you have experienced an insolvency event, further information regarding this event may be required. In certain circumstances, the Board has the power to declare a person an excluded contractor from registration as a building engineering contractor on either a temporary or permanent basis.

Building service debt

If you have incurred a building or engineering service debt, being an unsatisfied court judgement or adjudication determination that has not been paid, you cannot be registered as a building engineering contractor.

Ineligible person

If you are currently declared an ineligible person, you cannot be registered as a building engineering contractor.

Excluded contractor

If you are currently declared an excluded contractor (either temporarily or permanently), you cannot be registered as a building engineering contractor.

Financial capacity

Building engineering contractors must inform the Board if they have been an insolvent in the last three years.

Professional Indemnity Insurance

Building engineering contractors must satisfy the Board that they either:

- have an adequate level of professional indemnity insurance (PII); or
- are a member of a professional standards scheme (PSS) and are insured in accordance with the requirements of the PSS.

Adequacy of insurance should be determined in accordance with the Board's policy on professional indemnity insurance.

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

Duration of registration

Registration is for a period of three years.

Application and registration fee

Payment of both an application fee and a registration fee must accompany this application.

GST is not payable on these fees.

The registration fee is for the three years.

If the Board refuses your application the registration fee will be refunded. The application fee is non-refundable.

Please refer to our website for the current schedule of fees.

Complete your application

Your application cannot be processed unless all sections are completed, all attachments provided and fees paid.

Incomplete applications

The Department cannot assess incomplete applications.

If your application is incomplete at the time of lodgement, you will be requested to provide outstanding or additional information. If you do not provide the information by the date stated in the request, your application will be lapsed or refused. The application fee will not be refunded.

Return of documents

The Department does not return documents. If required, make a copy before you submit your form and attachments.

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How to submit and pay

Pay for and submit your application, including attachments:

☐ **Online**
Submit your application and pay online here:

☐ **By post**
Pay by credit card using the payment slip on the form online here.
Or pay by cheque or money order made payable to:

Department of Local Government, Industry Regulation and Safety
Licensing Services Branch
Locked Bag 14 CLOISTERS SQUARE WA 6850

☐ **In person**
Submit your application and pay by cash, cheque, money order or card at the customer service counter. Applications will not be assessed for completeness upon submission. Your application will be assessed following allocation to a Licensing Officer.

Level 1, 303 Sevenoaks Street
CANNINGTON WA 6107

Office hours are: Mon – Fri 8:30am to 4:30pm.

Fax and email submission is not available for this application.

After your application is submitted

If the Department requires further information, you will be contacted.

State Administrative Tribunal review of Board decisions

The decision to refuse an application for registration or impose a condition for registration is a reviewable decision in certain circumstances. If you disagree with the Board's determination in relation to this registration application, you may be able to apply to the SAT for a review of the decision.

More information

If you need more information about the status of your application, contact 1300 489 099 or email be.licensing@dmirs.wa.gov.au.

The form will require the following fields and information:

Checklist

Use this checklist reminder to ensure that you complete all parts of your application and attach all necessary supporting documents.

- ☐ Personal and contact details answered
- ☐ Proof of identification - 65 points attached
- ☐ All questions answered and documents ready to attach, where applicable
- ☐ Professional indemnity insurance answered
- ☐ Declaration signed and dated
- ☐ Payment

Payment

Visit our building fee schedule page for current application and registration fees. Submit and pay for your application:

☐ **Online**
If you are submitting this form online, you will be able to make payment using the departments secure payment gateway.

☐ **By post (or in person) using your credit card**
If you are submitting this form by post (or in person) and are making payment by credit card, you must complete the Application Payment Form and attach it to your application.

Ensure all parts of your application are completed and all supporting documents are attached. Incomplete applications will not be processed.

Class of registration

Select the class (level) of building engineering contractor you are applying for *(see information on contractor levels on pages 1-2)*:

- ☐ Professional
- ☐ Technologist
- ☐ Associate
- ☐ Fire systems – Technologist
- ☐ Fire systems – Associate

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Personal details

Salutation: ☐ Mr ☐ Mrs ☐ Ms ☐ Other, please specify:

Family name: First name: Date of birth:

ABN:

Have you been known by any other names? ☐ Yes ☐ No

If you answered 'yes' above, attach a separate page with full details. ☐ Attached

Principal place of business

Required for publication in the register. It cannot be a post office box number.

Street address:

Suburb: State: Postcode:

Address for service

Required for the purpose of serving documents. It cannot be a post office box number.

☐ As above

Street address:

Suburb: State: Postcode:

Postal address

Address for correspondence from the Department.

☐ As above

Street address: **OR** Post Office Box number

Suburb: State: Postcode:

Contact details

Email address required for courtesy renewal reminders and other notifications. Mobile required for important notifications via SMS.

Phone (home): Phone (work): Phone (mobile):* Email:*

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Proof of identity

Provide proof of your identity by attaching copies of two or more documents making a total of at least 100 points. At least one document must include photo identification.

Points allowed	Document	Points	Office use
70 points	☐ Birth certificate (not an extract)		
	☐ Current passport		
	☐ Australian citizenship certificate		
40 points(1) **25 points**(2)	☐ Current Australian issued licence or permit card, e.g. Driver's licence		
	☐ Current Australian government issued identification card		
	☐ Australian tertiary student identification		
	(1) **40 points** for first document from this category. (2) **25 points** for additional documents from this category.		
35 points(3)	☐ Mortgage document held by an Australian financial body		
	☐ Australian Land Title Office record		
	☐ Document from the Credit Reference Association of Australia		
	(3) A document from this set must show your name and current residential address.		
25 points	☐ Australian public utility bill, rates notice or bank statement		
	☐ Medicare card		
	☐ Marriage certificate (for maiden name only) or change of name certificate		
Total points			

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Building engineering practitioner registration

As an individual building engineering contractor you must also be registered as a building engineering practitioner.

Are you currently registered as a building engineering practitioner in Western Australia?

☐ Yes ☐ No

If 'yes', please state the following:

- Building engineering practitioner registration number:

- Area(s):
  ☐ structural ☐ fire safety
  ☐ civil ☐ mechanical

- Level:
  ☐ professional ☐ technologist ☐ associate

If 'no' you must submit a building engineering practitioner application with this building engineering contractor application to meet the requirements for registration.

The practitioner application form can be downloaded here.

Registration history

Have you been refused a licence or registration in the last ten years?

☐ Yes ☐ No

Have you had a licence or registration cancelled or suspended in the last ten years?

☐ Yes ☐ No

Have you as an individual, partner or director of a body corporate been involved in court, tribunal or disciplinary proceedings (including remedy orders) in the past ten years?

☐ Yes ☐ No

If you answered 'yes' to any of the questions above, provide full details on a separate page and submit with this application.

☐ Attached

Management and supervision arrangements

You are required to have arrangements in place to ensure building engineering services carried out will be managed and supervised in a proficient manner.

Confirm the following:

I have sufficient management and supervision arrangements in place to ensure building engineering services are carried out in a proficient manner.

☐ Yes

I have knowledge of my obligations and will ensure compliance with the *Building Act 2011* and the Building Regulations 2012.

☐ Yes

I have knowledge of the minimum technical construction standards of the National Construction Code which is comprised of Volumes One and Two of the Building Code of Australia.

☐ Yes

Ineligible Person

If you are currently an ineligible person, you cannot be registered as a building engineering contractor. The State Administrative Tribunal will have informed you if you have been declared an "ineligible person".

Are you currently declared an ineligible person by the State Administrative Tribunal?

☐ Yes ☐ No

Excluded contractor

If you are currently an excluded contractor, you cannot be registered as a building engineering contractor. The Building Services Board will have informed you if you have been declared an "excluded contractor".

Are you currently declared an excluded contractor by the Building Services Board?

☐ Yes ☐ No

Financial probity

If you have experienced an insolvency event, you may be required to provide further information about this event in relation to the Building Services Board's power to declare a person an excluded contractor. You will be contacted by the Department if further information is required.

Have you experienced an insolvency event* in the last five years?

☐ Yes ☐ No

*An insolvency event for individuals includes bankruptcy, Part IX (Debt Agreements), Part X (Personal Insolvency Agreement) or cancellation by the State Administrative Tribunal on financial grounds.

If you answered 'yes' above, identify your current status:

☐ Still bankrupt

☐ Discharged Date discharged:

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Financial capacity

You must satisfy the financial requirements and must not be an insolvent. If you have been previously insolvent, you must now have the capacity to meet debts as and when they fall due.

Do you have the capacity to meet debts as and when they fall due?

☐ Yes ☐ No

Professional Indemnity Insurance

Insurance requirements for registration of a building engineering contractor are detailed in the Building Services (Registration) Regulations 2011. The amount of indemnity coverage must be adequate to manage the risk, type, size and volume of the work the contractor is likely to carry out (see page 2 above).

Have you assessed your business risk to determine what is an adequate level of professional indemnity insurance, in accordance with the Board's insurance policy?

☐ Yes ☐ No

Are you a member of a professional standards scheme, and insured in accordance with the requirements of the PSS?

☐ Yes ☐ No

Professional Indemnity Insurance policy certificate number:

Member number (if applicable):

Section 33 of the *Building Services (Registration) Act 2011* requires registered building engineers to give the Board written notice of any change in circumstances that affect eligibility to remain registered. A change in the contractor's insurance arrangements could constitute such a change in circumstances. The notice to the Board must be given within seven days after the change in circumstances. The penalty for the offence of not notifying the Board is a fine of $10,000.

Building service debt

If you have an unpaid building service debt that has not been paid in full within the specified period or are not subject to a payment arrangement or proceedings have not commenced for an appeal or review, you cannot be registered as a building engineering contractor.

Do you have any outstanding debts for which judgement has been entered in a court of competent jurisdiction (e.g. Magistrates, District, Federal Court) in connection with a contract for a building service or for the supply of goods or services for a building service?

☐ Yes ☐ No

Do you have any outstanding adjudicated amounts that are payable under the Building and Construction Industry (Security of Payment) Act 2021 or the Construction Contracts (Former Provisions) Act 2004?

☐ Yes ☐ No

Declaration by applicant

False and misleading information

Section 99 of the *Building Services (Registration) Act 2011* provides for penalties of up to $25,000 where a person makes a false or misleading statement or provides false or misleading information or particulars as part of an application for registration or renewal of registration. By signing this application form, you give consent to the Building Services Board and its staff to make enquires and to receive and disclose any information about this application.

Declaration

I (FULL NAME OF APPLICANT)

1. authorise the Building Services Board, the Department of Local Government, Industry Regulation and Safety or persons acting on behalf of the Board or the Department to make enquiries considered necessary to assess this application. My general consent includes the specific consent to the acquisition of copies of my criminal records and credit report. I agree that the Board can use any or all information received pursuant to this authority for the purposes of the assessment or audit of this application..
2. sincerely declare that this application is true and correct.

Signature: Date:

CLEAR FORM

Form approved by the Building Commissioner on 20 June 2024.