

Form 92: Building engineering contractor (partnership) – registration

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Use of this form

This form is to be used by partnerships 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.

What is a partnership?

A partnership can include two or more individuals (natural persons), corporations, unincorporated bodies, or a mixture of two or all three.

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

Every building engineering contractor must have at least one registered building engineering practitioner appointed as the nominated supervisor at all times.

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.

To be registered as a building engineering contractor – professional, a partnership must have at least one nominated supervisor who is 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.

To be registered as a building engineering contractor – technologist, a partnership must have at least one nominated supervisor who is 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 2,000m², of Type C construction only.

To be registered as a building engineering contractor – associate, a partnership must have at least one nominated supervisor who is 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.

To be registered as a building engineering contractor, fire systems – technologist, a partnership must have at least one nominated supervisor who is 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.

To be registered as a building engineering contractor, fire systems – associate, a partnership must have at least one nominated supervisor who is 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), a building engineering contractor must satisfy the Board that it will have appropriately registered building engineering practitioner(s) undertaking or supervising and managing the work. A practitioner must be registered in the relevant area, and level (professional, technologist or associate), to the building engineering services which will be provided.

The building engineering practitioner may be a nominated supervisor, or otherwise employed or engaged by the building engineering contractor.

Financial probity

If the partnership or a partner has 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 your partnership has incurred a building service debt, being an unsatisfied court judgement or adjudication determination that has not been paid, it cannot be registered as a building engineering contractor.

Ineligible person

If a partner of the partnership is currently declared an ineligible person, the partnership cannot be registered as a building engineering contractor.

Excluded contractor

If your partnership is currently declared an excluded contractor (either temporarily or permanently), the partnership 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 five 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@lgirs.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.

- ☐ Business and contact details answered
- ☐ All questions answered and documents ready to attach
- ☐ Professional indemnity insurance (PII) answered.
- ☐ Nominated supervisor section answered and employment contract attached if applicable
- ☐ About the partners answered, attachments completed and ready to attach as applicable
- ☐ Natural persons in the partnership – Attachment 1, as applicable
- ☐ About the partners – Natural persons details answered and documents attached, as applicable
- ☐ Proof of identification – 100 points attached for each natural person
- ☐ Companies or unincorporated bodies in the partnership – Attachment 2, as applicable
- ☐ About the partners – Company(ies) or unincorporated body(ies) details 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

Class (level) of building engineering contractor you are applying for (see *information on contractor levels on pages 1-2, above*).

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

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Partnership details

Partnership name as registered with ASIC:

Business name:

ABN (mandatory):

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:

Partnership Contact details

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

Phone (office):

Phone (mobile):*

Email:*

Contact Person for enquiries about this form

Name:

Phone (mobile):*

Email:*

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Building engineering practitioner registration

Partnerships can be made of:

- two or more people (natural persons); or
- two or more companies/unincorporated bodies; or
- a mixture of the above.

The partnership's partners

Tick which applies to your partnership. Complete only those attachments applicable to your partnership.

Does the partnership include natural persons as partners?

☐ Yes ☐ No ☐ Attached

Does the partnership include companies or unincorporated bodies?

☐ Yes ☐ No ☐ Attached

Registration history

Has the partnership or a partner (who is either an individual or an officer of the company, or the company which constitutes the partnership) been refused a licence or registration in the last ten years?

☐ Yes ☐ No

Has the partnership or a partner (who is either an individual or an officer of the company, or the company which constitutes the partnership) had a licence or registration cancelled or suspended in the last ten years?

☐ Yes ☐ No

Has the partnership or a partner (who is either an individual or an officer of the company, or the company which constitutes the partnership) been involved in court, tribunal or disciplinary proceedings (including remedy orders) in the last ten years?

☐ Yes ☐ No

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

☐ Attached

Management and supervision arrangements

The partnership is 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:

The partnership will manage and supervise building engineering services in a proficient manner.

☐ Yes

The partnership has knowledge of its obligations and will ensure compliance with the *Building Act 2011* and the *Building Regulations 2012*.

☐ Yes

The partnership has knowledge of the minimum standards of the National Construction Code which is comprised of Volumes One and Two of the Building Code of Australia.

☐ Yes

If the partnership intends to provide building engineering work in multiple areas (structural, fire safety, civil, mechanical), arrangements are in place for registered building engineering practitioners to manage and supervise the work (attach details of the relevant practitioners, if applicable)

☐ Yes ☐ Attached

Ineligible Person

If a partner is currently an ineligible person, the partnership cannot be registered as a building engineering contractor. The State Administrative Tribunal will have informed a partner if they have been declared an "ineligible person".

Is any partner (who is either an individual or an officer of the company which constitutes the partnership) currently declared an ineligible person by the State Administrative Tribunal?

☐ Yes ☐ No

Excluded contractor

If the partnership is currently an excluded contractor, the partnership cannot be registered as a building engineering contractor. The Building Services Board will have informed the partnership if it has been declared an "excluded contractor".

Is the partnership currently declared an excluded contractor by the Building Services Board?

☐ Yes ☐ No

Financial probity

If a partner has experienced an insolvency event, you may be required to provide further information about this event(s) 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.

Has any partner (who is either an individual or an officer of the company which constitutes the partnership) been subject to 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.

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If you answered 'yes', identify the partner/officer's current status:

- ☐ Still bankrupt
☐ Discharged Date discharged:

If a company constitutes the partnership, has the company been subject to an insolvency event^a in the last five years?

- ☐ Yes ☐ No

^aAn insolvency event for companies includes members' voluntary liquidation, court liquidation, creditors' voluntary liquidation, appointment of an administrator, a Deed of Company Arrangement, appointment of a receiver or cancellation by the State Administrative Tribunal on financial grounds.

If you answered 'yes', identify the partner/officer's current status:

- ☐ Still appointed
☐ Retired Date retired:

If a company constitutes the partnership, has any officer of the company been a director or company secretary of a company(s) within two years of that company(s) being subject to an insolvency event^a in the last five years?

- ☐ Yes ☐ No

If you answered 'yes' above, provide the following details:

Company Name: ACN:

Name of Officer:

- ☐ Attach list if there is insufficient space above.

Financial capacity

The partnership must satisfy the financial requirements, where it and its partners must not be an insolvent. If the partnership or a partner has previously been an insolvent, the partnership must have the capacity to meet debts as and when they fall due.

Does the partnership have the capacity to meet debts as and when they fall due?

- ☐ Yes ☐ No

Building service debt

If the partnership has 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, it cannot be registered as a building engineering contractor.

Does the partnership 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

Does the partnership 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

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 at an appropriate level to manage the risk, type, size and volume of the work the contractor is likely to carry out, as described on Page 2.

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

- ☐ Yes ☐ No

Is the partnership 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.

Nominated supervisor

The partnership must have at least one nominated supervisor who is a registered building engineering practitioner, registered at the appropriate engineering level: professional, technologist or associate.

If necessary, make copies and complete this page for each nominated supervisor.

Nominated supervisor's details

Salutation: ☐ Mr ☐ Mrs ☐ Ms

☐ Other, please specify:

Family name

First name

Other name(s)

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Registration number Area(s) and Level

Conditions on registration: ☐ Yes ☐ No

Specify:

* Conditions of the nominated supervisor's registration may be reflected in the contractor's registration.

Employment details

Each nominated supervisor must be an employee or a partner of the partnership.

Date of commencement as nominated supervisor:

The nominated supervisor is:

- ☐ a partner of the partnership,
☐ an employee of the contractor.

If you answered 'an employee' to question above, provide a copy of the nominated supervisor's employment contract.

☐ Attached

An employment contract includes the following details:

- Names of parties - employee and employer;
- Employment basis and hours: full time/part time and hours per week;
- Leave entitlements; and
- Arrangements for the payment of superannuation and income tax.

A person engaged in a sub-contract arrangement cannot be a nominated supervisor for a partnership.

Confirmation by nominated supervisor

I confirm the information stated above is true and correct.

Signature: Date:

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.

Information for document execution

This document is to be executed on behalf of the partnership by each partner.

Declaration

1. I/we 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/our general consent includes the specific consent to the acquisition of copies of my criminal records and credit report of the applicant and its partners. I/we 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. I/we sincerely declare that this application is true and correct.

Executed by:

Applicant's name (name of partnership)

Signature of applicant partner/director of partner (if applicable) For and on behalf of the partnership

Name (print)

Signature of applicant partner/director of partner (if applicable or signature of company secretary being sole director/secretary of the company, if applicable) For and on behalf of the partnership

Name (print)

Signature of applicant partner/director of partner (if applicable) For and on behalf of the partnership

Name (print)

Signature of applicant partner/director of partner (if applicable) For and on behalf of the partnership

Name (print)

This declaration is taken to be made at the time the application is submitted.

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