

Do ASBC consultants need to be registered under the Design and Building Practitioners Act?

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Industry regulation – transformation to proactive approach



Transformation

- From high effort in back end – with low impact
- To high effort in front end – with high impact

How

Design & Building Practitioners Act 2020

Regime of:

Compliance
declarations

Practitioner
registration

Insurance

Residential Apartment Buildings (Compliance & Enforcement Powers) Act 2020

Regime of:

Pre OC
notification

OC Audits

Rectification
orders

OC prohibition
orders

Design and Building Practitioners Act 2020

Key Reforms



Registration of Design & Building Practitioners – commences 1 July 2021



Compliance declarations – commences 1 July 2021



Duty of Care – commenced 11 June 2020

Design and Building Practitioners Act 2020

Key provisions

A builder must not carry out **building work** for which a **regulated design** is to be used unless the practitioner has obtained a **design and design compliance declaration** from a **registered design practitioner**

(s19 DB&P Act)

Registered Building Practitioner must provide a **building compliance declaration** for **building work** before application for an occupation certificate

(s17 DB&P Act)

What is '*building work*'?



- Building work is:
 - construction,
 - alteration or additions to, or
 - repair, renovation or protective treatment of
- a **CLASS 2 BUILDING** or a mixed use building containing a **CLASS 2** part

FOR NOW!

What is a '*design*'?

Design includes: (s3 of DB&P Act)

Plan

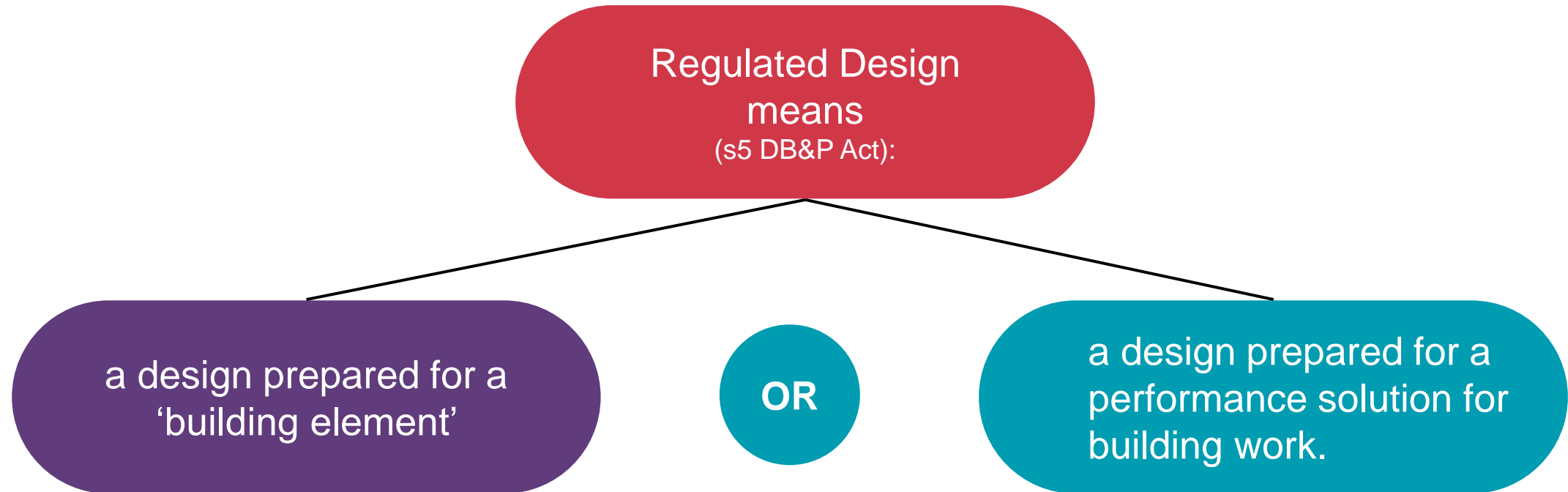
Specification

Report detailing a
design



What is a '*regulated design*'?

A builder must not carry out **building work** for which a **regulated design** is to be used (s19 DB&P Act)



What is a '*building element*'?

Regulated Design includes a design prepared for a 'building element'.

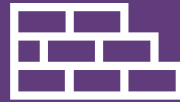
Building elements (s6 of DB&P Act):



Fire safety
system



Waterproofing



Load bearing
components



Building
enclosure



Mechanical,
plumbing
electrical
services

Do ASBC consultants prepare.....?

Plans

OR

Specifications

OR

Reports detailing a design

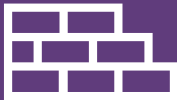
FOR



Fire safety system



Waterproofing



Load bearing components



Building enclosure

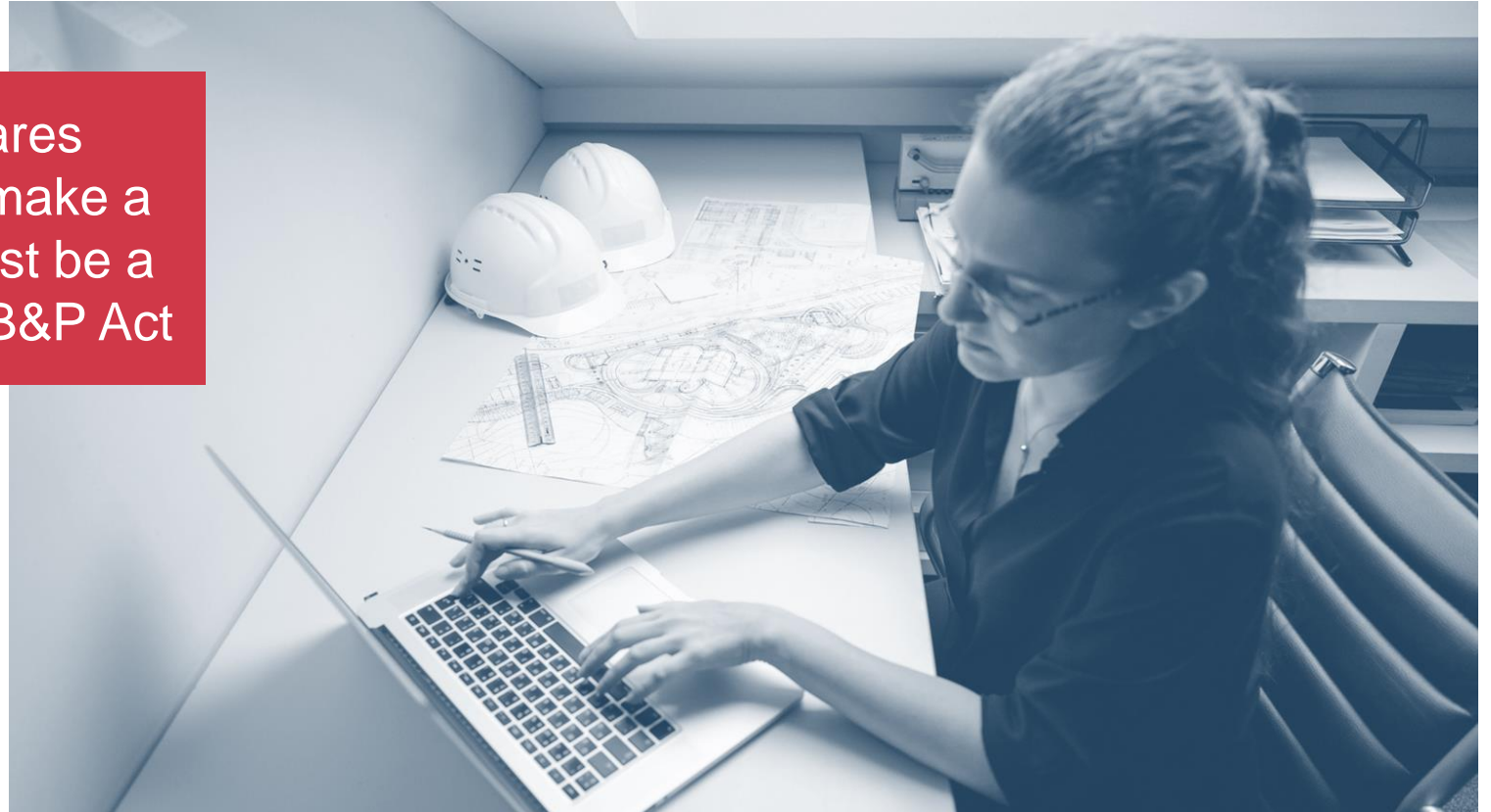


Mechanical, plumbing electrical services

Does the ASBC consultant need to be a '*registered design practitioner*'?

A builder must not carry out **building work** for which a **regulated design** is to be used unless the practitioner has obtained **design and design compliance declaration** from a **registered design practitioner** (s19 DB&P Act)

An ASBC consultant who prepares regulated designs and intends to make a design compliance declaration must be a registered practitioner under the DB&P Act



Engineering Work

A person must not carry out professional engineering work in a prescribed area of engineering unless the person is a registered professional engineer and the person's registration authorises the person to carry out the professional engineering work (s32 of DB&P Act)



Professional
engineering work



Prescribed area of
engineering



Registered
professional engineer



Authorisation

What is ‘*professional engineering work*’?

- A person must not carry out professional engineering work(s32 of DB&P Act)
- *Professional engineering work* means engineering work that requires, or is based on, the application of engineering principles and data to:
 - a design
 - a construction, procedure, operation or maintenance activityrelated to engineering.
- Engineering work that is not directly in relation to a Class 2 building or a building that is in part Class 2, is not ‘professional engineering work’ (DB&P Reg 14).



What is a '*prescribed area of engineering*'?

- A person must not carry out professional engineering work in a prescribed area of engineering(s32 of DB&P Act)
- *Prescribed area of engineering* means the following: (s32(3) and Reg 15)

Structural engineering

Fire safety engineering

Civil engineering

Electrical engineering

Mechanical engineering

Geotechnical engineering

Who must be a '*registered professional engineer*'?

- A person must not carry out professional engineering work in a prescribed area of engineering unless the person is a registered professional engineer.....(s32 of DB&P Act)
- A person who carries out professional engineering in a prescribed area of engineering in relation to the design and construction a Class 2 building.
- 6 classes of registration as a professional engineer (DB&P Schedule 1 Reg 4).

Professional engineer – civil

Professional engineer - geotechnical

Professional engineer – electrical

Professional engineer - mechanical

Professional engineer – fire safety

Professional engineer - structural

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