

Commerce Regulations Amendment (Building Services) Regulations 2023

SL 2023/64

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Commerce Regulations Amendment (Building Services) Regulations 2023*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) Part 2 Divisions 1 and 2 and Part 3 — on 1 July 2024;
- (c) Part 2 Division 3 — on 1 July 2025;
- (d) the rest of the regulations — on 1 July 2027.

Part 2 — *Building Services (Registration) Regulations 2011* amended

Division 1 — Preliminary

3. Regulations amended

This Part amends the *Building Services (Registration) Regulations 2011*.

Division 2 — Amendments commencing 1 July 2024

4. Regulation 3 amended

- (1) In regulation 3 insert in alphabetical order:

Building Code means the Building Code of Australia which is volumes 1 and 2, as amended from time to time, of the National Construction Code;

building engineering work has the meaning given in the *Building Services (Complaint Resolution and Administration) Regulations 2011* regulation 4B(1);
National Construction Code means the National Construction Code series published by, or on behalf of, the Australian Building Codes Board;
storey has the meaning given in the Building Code Schedule 3.

- (2) In regulation 3 in the definition of ***section*** delete “Act.” and insert:

Act;

5. Regulation 4 amended

After regulation 4(bb) insert:

- (bc) building engineering work for a class of registration;

6. Regulation 6 amended

- (1) After regulation 6(1)(bc) insert:

- (bd) building engineering practitioner, structural — professional;
(be) building engineering practitioner, structural — technologist;
(bf) building engineering practitioner, structural — associate;
(bg) building engineering practitioner, fire safety — professional;
(bh) building engineering practitioner, fire systems — technologist;
(bi) building engineering practitioner, fire systems — associate;

- (2) After regulation 6(2)(df) insert:

- (dg) building engineering contractor — professional (individual);
(dh) building engineering contractor — professional (partnership);

- (di) building engineering contractor — professional (company);
- (dj) building engineering contractor — technologist (individual);
- (dk) building engineering contractor — technologist (partnership);
- (dl) building engineering contractor — technologist (company);
- (dm) building engineering contractor — associate (individual);
- (dn) building engineering contractor — associate (partnership);
- (do) building engineering contractor — associate (company);
- (dp) building engineering contractor, fire systems — technologist (individual);
- (dq) building engineering contractor, fire systems — technologist (partnership);
- (dr) building engineering contractor, fire systems — technologist (company);
- (ds) building engineering contractor, fire systems — associate (individual);
- (dt) building engineering contractor, fire systems — associate (partnership);
- (du) building engineering contractor, fire systems — associate (company);

7. Regulation 11 amended

In regulation 11:

(a) after paragraph (h) insert:

(ha) *Design and Building Practitioners Act 2020*
(New South Wales);

(b) after paragraph (oa) insert:

(ob) *Professional Engineers Registration Act 2019*
(Victoria);

8. Regulation 22 amended

In regulation 22 delete the definition of *Building Code*.

9. Regulation 27 amended

- (1) At the end of regulation 27(2) insert:

Penalty for this subregulation: a fine of \$1 000.

- (2) At the end of regulation 27 delete the Penalty.

10. Part 3A heading amended

In the heading to Part 3A delete “**Part 3A —**” and insert:

Part 2A —

11. Regulation 28F replaced

Delete regulation 28F and insert:

28F. Insurance requirements: building surveying contractors

For the purposes of section 18(1)(c), the insurance requirements for registration as a building surveying contractor are —

- (a) the applicant must have professional indemnity insurance appropriate to manage the risk associated with the work the applicant is likely to carry out, taking into account all of the following —
 - (i) the nature of, and risks associated with, the work likely to be carried out by the applicant;
 - (ii) the size and volume of the work likely to be carried out by the applicant;
 - (iii) the employment or engagement by the applicant of a building surveying practitioner and the length of time the building surveying practitioner has been registered under section 17;
 - (iv) a reasonable estimate of the quantum of civil claims that might be brought against the applicant given the matters described in subparagraphs (i) to (iii);
 - (v) the financial capacity of the applicant;
 - (vi) the terms of the policy;

or

- (b) the applicant must demonstrate that the applicant —
 - (i) is a member of a professional standards scheme operated by a professional body; and
 - (ii) satisfies the insurance requirements imposed by the body in accordance with the professional standards scheme.

12. Regulations 28J and 28K deleted

Delete regulations 28J and 28K.

13. Part 2B inserted

Before Part 3 insert:

Part 2B — Building engineers

28J. Terms used

In this Part —

building engineering contractor means any of the following —

- (a) a building engineering contractor — professional (individual);
- (b) a building engineering contractor — professional (partnership);
- (c) a building engineering contractor — professional (company);
- (d) a building engineering contractor — technologist (individual);
- (e) a building engineering contractor — technologist (partnership);
- (f) a building engineering contractor — technologist (company);
- (g) a building engineering contractor — associate (individual);
- (h) a building engineering contractor — associate (partnership);
- (i) a building engineering contractor — associate (company);
- (j) a building engineering contractor, fire systems — technologist (individual);
- (k) a building engineering contractor, fire systems — technologist (partnership);

- (l) a building engineering contractor, fire systems — technologist (company);
- (m) a building engineering contractor, fire systems — associate (individual);
- (n) a building engineering contractor, fire systems — associate (partnership);
- (o) a building engineering contractor, fire systems — associate (company);

building engineering practitioner means any of the following —

- (a) a building engineering practitioner, structural — professional;
- (b) a building engineering practitioner, structural — technologist;
- (c) a building engineering practitioner, structural — associate;
- (d) a building engineering practitioner, fire safety — professional;
- (e) a building engineering practitioner, fire systems — technologist;
- (f) a building engineering practitioner, fire systems — associate.

28K. Prescribed titles: building engineering practitioners and building engineering contractors

- (1) The titles listed under each Part heading in the Table are prescribed for the purposes of section 4(1).

Table

Part 1 — Building engineering practitioners
Registered Building Engineer
Registered Building Engineering Practitioner: Structural (Professional)
Registered Building Engineering Practitioner: Structural (Technologist)
Registered Building Engineering Practitioner: Structural (Associate)
Registered Building Engineering Practitioner: Fire Safety (Professional)
Registered Building Engineering Practitioner: Fire Systems (Technologist)
Registered Building Engineering Practitioner: Fire Systems (Associate)

Part 2 — Building engineering contractors
Registered Building Engineering Contractor
Registered Building Engineering Contractor: Professional (Individual)
Registered Building Engineering Contractor: Professional (Partnership)
Registered Building Engineering Contractor: Professional (Company)
Registered Building Engineering Contractor: Technologist (Individual)
Registered Building Engineering Contractor: Technologist (Partnership)
Registered Building Engineering Contractor: Technologist (Company)
Registered Building Engineering Contractor: Associate (Individual)
Registered Building Engineering Contractor: Associate (Partnership)
Registered Building Engineering Contractor: Associate (Company)
Registered Building Engineering Contractor, Fire Systems: Technologist (Individual)
Registered Building Engineering Contractor, Fire Systems: Technologist (Partnership)
Registered Building Engineering Contractor, Fire Systems: Technologist (Company)
Registered Building Engineering Contractor, Fire Systems: Associate (Individual)
Registered Building Engineering Contractor, Fire Systems: Associate (Partnership)
Registered Building Engineering Contractor, Fire Systems: Associate (Company)

- (2) A building engineering practitioner is entitled to use a title prescribed in Part 1 of the Table to subregulation (1).
- (3) A building engineering contractor is entitled to use a title prescribed in Part 2 of the Table to subregulation (1).

28L. Building engineering contractors: building services prescribed

(1) In this regulation —

low-rise building means a building that, under the Building Code, is —

- (a) a Class 1 or 10 building; or
- (b) a Class 2 to 9 building with a gross floor area of not more than 2 000 m², except a building of Type A or Type B construction;

medium-rise building means a building that, under the Building Code, is —

- (a) a Class 2, 3 or 9 building not referred to in paragraph (b) of the definition of ***low-rise building*** to a maximum of 3 storeys above a Class 7a storey; or
- (b) a Class 4 to 8 building not referred to in paragraph (b) of the definition of ***low-rise building*** to a maximum of 3 storeys above a Class 7a storey, except a building of Type A construction;

professional engineering work has the meaning given in the *Building Services (Complaint Resolution and Administration) Regulations 2011* regulation 4B(1);

technical engineering work has the meaning given in the *Building Services (Complaint Resolution and Administration) Regulations 2011* regulation 4B(1).

(2) For the purposes of section 11(a) —

- (a) building engineering comprising professional engineering work or technical engineering work is prescribed for the following —

- (i) a building engineering contractor — professional (individual);
- (ii) a building engineering contractor — professional (partnership);
- (iii) a building engineering contractor — professional (company);

and

- (b) building engineering comprising technical engineering work is prescribed for the following —

- (i) a building engineering contractor, fire systems — technologist (individual);
- (ii) a building engineering contractor, fire systems — technologist (partnership);
- (iii) a building engineering contractor, fire systems — technologist (company);

and

- (c) building engineering comprising technical engineering work for a low-rise building or medium-rise building, or incidental structure, is prescribed for the following —
 - (i) a building engineering contractor — technologist (individual);
 - (ii) a building engineering contractor — technologist (partnership);
 - (iii) a building engineering contractor — technologist (company);
 - (iv) a building engineering contractor, fire systems — associate (individual);
 - (v) a building engineering contractor, fire systems — associate (partnership);
 - (vi) a building engineering contractor, fire systems — associate (company);

and

- (d) building engineering comprising technical engineering work for a low-rise building or incidental structure is prescribed for the following —
 - (i) a building engineering contractor — associate (individual);
 - (ii) a building engineering contractor — associate (partnership);
 - (iii) a building engineering contractor — associate (company).

28M. Qualifications and experience: building engineering practitioners

- (1) In this regulation —

eligible person means a person —

- (a) who was previously registered at any time in the period of 3 years ending on the day on which an application for registration as a building engineering practitioner is made; and
- (b) whose registration expired or was suspended or cancelled at the request of the person;

prescribed fire system means any of the following —

- (a) a hydraulic fire safety system, including the following —
 - (i) a fire hydrant system;
 - (ii) a fire hose reel system;

- (iii) a fire sprinkler system (whether a wall wetting sprinkler, drencher system or other system);
- (iv) any type of automatic fire suppression system of a hydraulic nature;
- (b) a fire detection and alarm system;
- (c) a mechanical ducted smoke control system;

previously registered means previously registered as a building engineering practitioner;

relevant, in relation to experience in building engineering or the building engineering industry, has the meaning given in subregulation (5).

- (2) For the purposes of section 17(1)(b), a qualification (if any) listed in the Table, together with the experience listed opposite the qualification, are prescribed as qualifications and experience for building engineering practitioners.

Table

Qualifications	Experience
1. Building engineering practitioner, structural — professional	
Bachelor or Master of civil or structural engineering accredited to the Washington Accord and published by Engineers Australia's Australian Engineering Accreditation Centre	5 years of full-time relevant building engineering experience (at least 4 years being post-graduate) in the past 10 years
2. Building engineering practitioner, structural — technologist	
Bachelor of engineering technology, science or design in the structural discipline accredited to the Sydney Accord and published by Engineers Australia's Australian Engineering Accreditation Centre	5 years of full-time relevant building engineering experience (at least 4 years being post-graduate) in the past 10 years

Qualifications	Experience
3. Building engineering practitioner, structural — associate	
Advanced Diploma or Associate Degree in structural design or drafting accredited to the Dublin Accord and published by Engineers Australia's Australian Engineering Accreditation Centre	5 years of full-time relevant building engineering experience (at least 4 years being post-graduate) in the past 10 years
4. Building engineering practitioner, fire safety — professional	
Bachelor or Master in a relevant field of engineering accredited to the Washington Accord and published by Engineers Australia's Australian Engineering Accreditation Centre and, if the degree is not in fire engineering, a Graduate Diploma in fire engineering or a Master of fire engineering	5 years of full-time relevant building engineering experience (at least 4 years being post-graduate) in the past 10 years
5. Building engineering practitioner, fire systems — technologist	
Diploma in fire systems design with units relevant to 1 or more prescribed fire systems	5 years of full-time relevant building engineering experience in the past 10 years
6. Building engineering practitioner, fire systems — associate	
Diploma in fire systems design with units relevant to 1 or more prescribed fire systems	3 years of full-time relevant building engineering experience in the past 6 years

- (3) For the purposes of section 17(1)(b), the qualifications and experience for the renewal of the registration of a building engineering practitioner are the qualifications (if any) and the experience that entitled the person to be registered as evidenced by the registration.
- (4) For the purposes of section 17(1)(b), the qualifications and experience for registration as a building engineering practitioner for an eligible person are the qualifications (if any) and the experience that entitled the eligible person to be previously registered as evidenced by the registration.
- (5) For the purposes of section 17(1)(d), reference in the Table to subregulation (2) to **relevant** experience in building engineering or the building engineering industry is a reference to experience demonstrating, at a level appropriate to the qualification, competency in each of the following —
 - (a) engineering knowledge relevant to the applicant's area of practice, including a knowledge of any relevant standards and practices;
 - (b) the practice of building engineering;
 - (c) the development of safe and sustainable solutions to engineering problems or issues;
 - (d) the identification, assessment and management of risks;
 - (e) the handling of ethical issues.
- (6) For the purposes of section 17(1)(d), an application for registration as a building engineering practitioner must include certification from an assessment entity approved by the Building Commissioner that the applicant's qualifications and experience, considered together, are equivalent to, or exceed, the requirements in the Table to subregulation (2).

28N. Financial requirements: building engineering contractors

- (1) In this regulation —
building engineering contractor (company) means —
 - (a) a building engineering contractor — professional (company);
 - (b) a building engineering contractor — technologist (company);
 - (c) a building engineering contractor — associate (company);
 - (d) a building engineering contractor, fire systems — technologist (company);

- (e) a building engineering contractor, fire systems — associate (company);

building engineering contractor (individual) means —

- (a) a building engineering contractor — professional (individual);
- (b) a building engineering contractor — technologist (individual);
- (c) a building engineering contractor — associate (individual);
- (d) a building engineering contractor, fire systems — technologist (individual);
- (e) a building engineering contractor, fire systems — associate (individual);

building engineering contractor (partnership)
means —

- (a) a building engineering contractor — professional (partnership);
- (b) a building engineering contractor — technologist (partnership);
- (c) a building engineering contractor — associate (partnership);
- (d) a building engineering contractor, fire systems — technologist (partnership);
- (e) a building engineering contractor, fire systems — associate (partnership).

- (2) For the purposes of section 18(1)(b), the following financial requirements are prescribed for registration as a building engineering contractor (individual) —

- (a) the applicant must not be an insolvent;
- (b) if the applicant has previously been an insolvent, the applicant must have the capacity to meet debts as and when they fall due.

- (3) For the purposes of section 18(1)(b), the following financial requirements are prescribed for registration as a building engineering contractor (partnership) —

- (a) each partner of the partnership must not be an insolvent;
- (b) if a partner of the partnership has previously been an insolvent, the partnership must have the capacity to meet debts as and when they fall due.

- (4) For the purposes of section 18(1)(b), the following financial requirements are prescribed for registration as a building engineering contractor (company) —
- (a) the applicant and each officer of the applicant must not be an insolvent;
 - (b) if the applicant or an officer of the applicant has previously been an insolvent, the applicant must have the capacity to meet debts as and when they fall due.

28O. Insurance requirements: building engineering contractors

For the purposes of section 18(1)(c), the insurance requirements for registration as a building engineering contractor are —

- (a) the applicant must have professional indemnity insurance appropriate to manage the risk associated with the work the applicant is likely to carry out, taking into account all of the following —
 - (i) the nature of, and risks associated with, the work likely to be carried out by the applicant;
 - (ii) the size and volume of the work likely to be carried out by the applicant;
 - (iii) the employment or engagement by the applicant of a building engineering practitioner and the length of time the building engineering practitioner has been registered under section 17;
 - (iv) a reasonable estimate of the quantum of civil claims that might be brought against the applicant given the matters described in subparagraphs (i) to (iii);
 - (v) the financial capacity of the applicant;
 - (vi) the terms of the policy;
- or
- (b) the applicant must demonstrate that the applicant —
 - (i) is a member of a professional standards scheme operated by a professional body; and
 - (ii) satisfies the insurance requirements imposed by the body in accordance with the professional standards scheme.

28P. Prescribed requirements: building engineering practitioner

- (1) In this regulation —
approved continuing professional development means continuing professional development approved by the Building Commissioner and published on the Department's website.
- (2) For the purposes of section 17(1)(d) —
- (a) an applicant for renewal of registration as a building engineering practitioner, fire systems — technologist must have completed 90 hours of approved continuing professional development in the period of 3 years ending on the day on which the application is made; and
 - (b) an applicant for renewal of registration as a building engineering practitioner, fire systems — associate must have completed 50 hours of approved continuing professional development in the period of 3 years ending on the day on which the application is made; and
 - (c) an applicant for renewal of registration as any other building engineering practitioner must have completed 150 hours of approved continuing professional development in the period of 3 years ending on the day on which the application is made.
- (3) The applicant is taken to satisfy the requirement in subregulation (2) if the applicant can evidence continuing membership of an industry association or professional standards scheme approved by the Building Commissioner.

28Q. Supervisor for building engineering contractors: eligible person

- (1) In this regulation —
building engineering practitioner — associate means any of the following —
- (a) a building engineering practitioner, structural — associate;
 - (b) a building engineering practitioner, fire systems — associate;
- building engineering practitioner — professional* means any of the following —
- (a) a building engineering practitioner, structural — professional;
 - (b) a building engineering practitioner, fire safety — professional;

building engineering practitioner — technologist

means any of the following —

- (a) a building engineering practitioner, structural — technologist;
 - (b) a building engineering practitioner, fire systems — technologist.
- (2) For the purposes of the definition of ***eligible person*** in section 21(1), building engineering practitioner — professional is prescribed as the class of building service practitioner for the following classes of building service contractor —
 - (a) building engineering contractor — professional (individual);
 - (b) building engineering contractor — professional (partnership);
 - (c) building engineering contractor — professional (company).
- (3) For the purposes of the definition of ***eligible person*** in section 21(1), building engineering practitioner — professional and building engineering practitioner — technologist are prescribed as classes of building service practitioner for the following classes of building service contractor —
 - (a) building engineering contractor — technologist (individual);
 - (b) building engineering contractor — technologist (partnership);
 - (c) building engineering contractor — technologist (company).
- (4) For the purposes of the definition of ***eligible person*** in section 21(1), building engineering practitioner — professional, building engineering practitioner — technologist and building engineering practitioner — associate are prescribed as classes of building service practitioner for the following classes of building service contractor —
 - (a) building engineering contractor — associate (individual);
 - (b) building engineering contractor — associate (partnership);
 - (c) building engineering contractor — associate (company).

- (5) For the purposes of the definition of *eligible person* in section 21(1), building engineering practitioner, fire systems — technologist is prescribed as the class of building service practitioner for the following classes of building service contractor —
 - (a) building engineering contractor, fire systems — technologist (individual);
 - (b) building engineering contractor, fire systems — technologist (partnership);
 - (c) building engineering contractor, fire systems — technologist (company).
- (6) For the purposes of the definition of *eligible person* in section 21(1), building engineering practitioner, fire systems — technologist and building engineering practitioner, fire systems — associate are prescribed as classes of building service practitioner for the following classes of building service contractor —
 - (a) building engineering contractor, fire systems — associate (individual);
 - (b) building engineering contractor, fire systems — associate (partnership);
 - (c) building engineering contractor, fire systems — associate (company).

14. Part 4 Division 5 inserted

At the end of Part 4 insert:

**Division 5 — *Commerce Regulations Amendment
(Building Services) Regulations 2023***

**53. Transitional provision for *Commerce Regulations Amendment (Building Services) Regulations 2023*
Part 2 Division 2**

- (1) In this regulation —
amending provisions means the *Commerce Regulations Amendment (Building Services) Regulations 2023* Part 2 Division 2;
commencement day means 1 July 2024.
- (2) This regulation applies to a person who was, immediately before commencement day, carrying out a building service of a class prescribed in regulation 6(1)(bd) to (bi) (the *relevant class*).

- (3) The person may continue carrying out a building service of the relevant class as if the amending provisions had not come into operation until —
 - (a) the day that is 2 years after commencement day; or
 - (b) if, before that day, the person makes an application under section 13 for registration for the relevant class and the Board determines the application —
 - (i) the day on which the Board registers the person under section 17 for the relevant class; or
 - (ii) the day on which the Board refuses to register the person under section 17 for the relevant class.

15. Schedule 1 Division 4A inserted

After Schedule 1 Division 4 insert:

Division 4A — Building engineers		
Item	Column 1 Description of fee	Column 2 Fee (\$)
1.	Application for registration as building engineering practitioner	137.00
2.	Application for registration as building engineering contractor	91.00
3.	Registration fee for building engineering practitioner (3 years)	1 125.00
4.	Registration fee for building engineering contractor (individual) (3 years)	788.00
5.	Registration fee for building engineering contractor (partnership) (3 years)	1 874.00
6.	Registration fee for building engineering contractor (company) (3 years)	2 569.00
7.	Late fee for application for renewal made after renewal period	83.00

16. Schedule 5 Division 1 amended

In Schedule 5 Division 1 clause 1 insert in alphabetical order:

building engineering contractor has the meaning given in regulation 28J;

building engineering practitioner has the meaning given in regulation 28J;

17. Schedule 5 Division 2 amended

In Schedule 5 Division 2:

- (a) in the item for section 4(1) in the 3rd column delete “building contractor or building surveying contractor” and insert:

building engineering practitioner, building contractor,
building surveying contractor or building engineering
contractor

- (b) in the item for section 5(1) in the 3rd column delete “building practitioner” and insert:

building practitioner, building engineering practitioner

- (c) in the item for section 5(2) in the 3rd column delete “building contractor” and insert:

building contractor, building engineering contractor

- (d) in the items for sections 6(1) and 7(1) in the 3rd column delete “builder work” and insert:

builder work, building engineering work

- (e) in the items for sections 7(5), 22(2) and 22(3) in the 3rd column delete “building contractor” and insert:

building contractor, building engineering contractor

18. Schedule 5 Division 3 amended

In Schedule 5 Division 3 delete the items for regulations 28J(1) and 28K(1).

Division 3 — Amendments commencing 1 July 2025

19. Regulation 6 amended

After regulation 6(1)(bi) insert:

- (bj) building engineering practitioner, civil — professional;
- (bk) building engineering practitioner, civil — technologist;
- (bl) building engineering practitioner, civil — associate;
- (bm) building engineering practitioner, mechanical — professional;
- (bn) building engineering practitioner, mechanical — technologist;
- (bo) building engineering practitioner, mechanical — associate;

20. Regulation 28J amended

In regulation 28J in the definition of *building engineering practitioner*:

- (a) in paragraph (f) delete “associate.” and insert:

associate;

- (b) after paragraph (f) insert:

- (g) a building engineering practitioner, civil — professional;
- (h) a building engineering practitioner, civil — technologist;
- (i) a building engineering practitioner, civil — associate;
- (j) a building engineering practitioner, mechanical — professional;
- (k) a building engineering practitioner, mechanical — technologist;
- (l) a building engineering practitioner, mechanical — associate.

21. Regulation 28K amended

In regulation 28K(1) in the Table Part 1 after “Registered Building Engineering Practitioner: Fire Systems (Associate)” insert:

Registered Building Engineering Practitioner: Civil
(Professional)

Registered Building Engineering Practitioner: Civil
(Technologist)

Registered Building Engineering Practitioner: Civil
(Associate)

Registered Building Engineering Practitioner: Mechanical
(Professional)

Registered Building Engineering Practitioner: Mechanical
(Technologist)

Registered Building Engineering Practitioner: Mechanical
(Associate)

22. Regulation 28M amended

In regulation 28M(2) in the Table insert in numerical order:

7. Building engineering practitioner, civil — professional	
Bachelor or Master of civil engineering accredited to the Washington Accord and published by Engineers Australia’s Australian Engineering Accreditation Centre	5 years of full-time relevant building engineering experience (at least 4 years being post-graduate) in the past 10 years

8. Building engineering practitioner, civil — technologist	
Bachelor of engineering technology, science or design in the civil discipline accredited to the Sydney Accord and published by Engineers Australia's Australian Engineering Accreditation Centre	5 years of full-time relevant building engineering experience (at least 4 years being post-graduate) in the past 10 years
9. Building engineering practitioner, civil — associate	
Advanced Diploma or Associate Degree in civil design, construction or drafting accredited to the Dublin Accord and published by Engineers Australia's Australian Engineering Accreditation Centre	5 years of full-time relevant building engineering experience (at least 4 years being post-graduate) in the past 10 years
10. Building engineering practitioner, mechanical — professional	
Bachelor or Master of mechanical engineering accredited to the Washington Accord and published by Engineers Australia's Australian Engineering Accreditation Centre	5 years of full-time relevant building engineering experience (at least 4 years being post-graduate) in the past 10 years
11. Building engineering practitioner, mechanical — technologist	
Bachelor of engineering technology, science or design in the mechanical discipline accredited to the Sydney Accord and published by Engineers Australia's Australian Engineering Accreditation Centre	5 years of full-time relevant building engineering experience (at least 4 years being post-graduate) in the past 10 years

12. Building engineering practitioner, mechanical — associate	
Advanced Diploma or Associate Degree in mechanical design or drafting accredited to the Dublin Accord and published by Engineers Australia's Australian Engineering Accreditation Centre	5 years of full-time relevant building engineering experience (at least 4 years being post-graduate) in the past 10 years

23. Regulation 28Q amended

- (1) In regulation 28Q(1) in the definition of ***building engineering practitioner — associate*** after paragraph (b) insert:
 - (c) a building engineering practitioner, civil — associate;
 - (d) a building engineering practitioner, mechanical — associate;
- (2) In regulation 28Q(1) in the definition of ***building engineering practitioner — professional*** after paragraph (b) insert:
 - (c) a building engineering practitioner, civil — professional;
 - (d) a building engineering practitioner, mechanical — professional;
- (3) In regulation 28Q(1) in the definition of ***building engineering practitioner — technologist***:
 - (a) in paragraph (b) delete “technologist.” and insert:

technologist;
 - (b) after paragraph (b) insert:
 - (c) a building engineering practitioner, civil — technologist;
 - (d) a building engineering practitioner, mechanical — technologist.

24. Regulation 54 inserted

At the end of Part 4 Division 5 insert:

54. Transitional provision for *Commerce Regulations Amendment (Building Services) Regulations 2023* Part 2 Division 3

- (1) In this regulation —
amending provisions means the *Commerce Regulations Amendment (Building Services) Regulations 2023* Part 2 Division 3;
commencement day means 1 July 2025.
- (2) This regulation applies to a person who was, immediately before commencement day, carrying out a building service of a class prescribed in regulation 6(1)(bj) to (bo) (the *relevant class*).
- (3) The person may continue carrying out a building service of the relevant class as if the amending provisions had not come into operation until —
 - (a) the day that is 2 years after commencement day; or
 - (b) if, before that day, the person makes an application under section 13 for registration for the relevant class and the Board determines that application —
 - (i) the day on which the Board registers the person under section 17 for the relevant class; or
 - (ii) the day on which the Board refuses to register the person under section 17 for the relevant class.

Division 4 — Amendments commencing 1 July 2027

25. Regulation 8 amended

In regulation 8 in the Table after item 2A insert:

2B.	Building engineering practitioner, structural — professional	Building engineers
	Building engineering practitioner, structural — technologist	

Building engineering
practitioner, structural —
associate

Building engineering
practitioner, fire safety —
professional

Building engineering
practitioner, fire
systems — technologist

Building engineering
practitioner, fire
systems — associate

Building engineering
contractor — professional
(individual)

Building engineering
contractor — professional
(partnership)

Building engineering
contractor — professional
(company)

Building engineering
contractor — technologist
(individual)

Building engineering
contractor — technologist
(partnership)

Building engineering
contractor — technologist
(company)

Building engineering
contractor — associate
(individual)

Building engineering
contractor — associate
(partnership)

Building engineering
contractor — associate
(company)

Building engineering contractor, fire systems — technologist (individual)	
Building engineering contractor, fire systems — technologist (partnership)	
Building engineering contractor, fire systems — technologist (company)	
Building engineering contractor, fire systems — associate (individual)	
Building engineering contractor, fire systems — associate (partnership)	
Building engineering contractor, fire systems — associate (company)	
Building engineering practitioner, civil — professional	
Building engineering practitioner, civil — technologist	
Building engineering practitioner, civil — associate	
Building engineering practitioner, mechanical — professional	
Building engineering practitioner, mechanical — technologist	
Building engineering practitioner, mechanical — associate	

Part 3 — *Building Services (Complaint Resolution and Administration) Regulations 2011* amended

26. Regulations amended

This Part amends the *Building Services (Complaint Resolution and Administration) Regulations 2011*.

27. Regulation 4B inserted

After regulation 4A insert:

4B. Building services: building engineering work

(1) In this regulation —

building engineering work —

- (a) means either of the following that relates to a building or incidental structure —
 - (i) professional engineering work for a class of registration;
 - (ii) technical engineering work for a class of registration;

and

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

engineering work does not include plumbing work;

prescriptive standard means a document that states procedures or criteria —

- (a) for carrying out a design, or construction or production activity, relating to engineering; and
- (b) the application of which, to the carrying out of the design, or construction or production activity, does not require advanced scientifically-based calculations;

professional engineering work —

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

technical engineering work means engineering work that —

- (a) requires, or is based on, the application of engineering principles and data to a design, or construction or production activity, relating to engineering; and
 - (b) is done in accordance with a prescriptive standard.
- (2) Building engineering work is prescribed for the purposes of the definition of ***building service*** in section 3 of the Act.

V. MOLAN, Clerk of the Executive Council.