

Construction Occupations (Licensing) (Qualifications) Declaration 2023

Disallowable instrument DI2023-1

made under the

Construction Occupations (Licensing) Regulation 2004, s 13 (Eligibility for licence—qualifications and financial requirements—Act, s 18 and s 24A)

EXPLANATORY STATEMENT

Section 13 of the *Construction Occupations (Licensing) Regulation 2004* (the Regulation) permits the Minister to declare the qualifications requirements necessary for an entity to be eligible to be licensed in a construction occupation or occupation class.

The purpose of this instrument is to declare the qualifications necessary for an individual to be eligible to be licensed in the construction occupations and associated occupation classes of:

- Building Assessor,
- Drainer,
- Electrician,
- Gasfitter,
- Gas Appliance Worker,
- Plumber,
- Plumbing Plan Certifier,
- Works Assessor Licences;
- Builders; and
- Building Surveyors.

It prescribes qualifications for particular applicants for new licences. It does not prescribe general requirements for renewing licensees or financial requirements.

This declaration is a disallowable instrument and must be presented to the Legislative Assembly within 6 sitting days after its notification pursuant to section 64 of the *Legislation Act 2001*.

Overview

This instrument:

1. consolidates the current two qualification declarations issued by the Minister under section 13 of the Regulation;
2. updates the Qualifications Schedule to reflect new training packages that have been released by Australian Skills Quality Authority;
3. updates the qualification requirements for building assessors undertaking energy efficiency assessments for national consistency;
4. updates requirements for engineer registration with Engineers Australia to alternatively include registration under a registration scheme in an Australian jurisdiction to reflect the introduction of such schemes in the ACT, Queensland, Victoria, NSW and WA; and
5. introduces a new requirement of an electrical apprenticeship for an unrestricted electrical licence.

There are no other changes to qualification requirements for construction occupations and occupation classes in this instrument.

Clauses 1 and 2 are formal provisions that deal with the name and commencement of the instrument. The instrument commences on the day after its notification date.

Clause 3 declares that schedule 1 contains the qualification requirements necessary for an entity to be eligible to be licensed in a construction occupation or occupation class.

Clause 4 provides that where more than one method of eligibility is described, an applicant only needs to demonstrate eligibility in accordance with one of the methods.

Clause 5 revokes the current two declarations.

Schedule 1 contains the qualification requirements necessary for an entity to be eligible to be licensed in a construction occupation or occupation class. It contains separate parts of occupations as follows:

- Part 1 – Building Assessors
- Part 2 – Drainer
- Part 3 - Electrician
- Part 4 – Gasfitter and Gas Appliance Worker
- Part 5 – Plumber and Plumbing Plan Certifier
- Part 6 – Works Assessor
- Part 7 - Builder
 - Section 1 – Qualification requirements
 - Section 2 – Mandatory building work experience requirements
 - Section 3 – Building technology
- Part 8 – Building surveyor

Regulatory Impact Statement (RIS)

Section 34 of the *Legislation Act 2001* provides that if a proposed subordinate law or disallowable instrument (the proposed law) is likely to impose appreciable costs on the community, or a part of the community, then, before the proposed law is made, the Minister administering the authorising law must arrange for a RIS to be prepared for the proposed law.

A RIS is not required as this instrument is not expected to impose appreciable costs on the community or part of the community.

Human Rights

There are no human rights impacts related to this instrument.

The addition of the requirement for an electrical apprenticeship to be completed for an unrestricted electrical licence is not considered to limit a person's right to work under section 27B of the *Human Rights Act 2004*. Section 13 (3) and section 14 of the Regulation provide alternative pathways for meeting the qualification requirements contained in this instrument.

The updated requirements for building assessors undertaking energy efficiency assessments retain existing requirements while also reflecting the current training courses available and recognised at the national level as part of the Nationwide House Energy Rating Scheme (NatHERS).

An applicant who is refused a licence may seek a review of the decision at the ACT Civil and Administrative Tribunal.