

Australian Capital Territory

# Construction Occupations (Licensing) (Distributed Energy Resource) Declaration 2024

Disallowable instrument DI2024-34

made under the

**Construction Occupations (Licensing) Regulation 2004, s 31D (Endorsing electricians licences for work on distributed energy resources – Act, s 22)**

## EXPLANATORY STATEMENT

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This explanatory statement relates to the Construction Occupations (Licensing) (Distributed Energy Resource) Declaration 2024 (the instrument). It has been prepared to assist the reader of the instrument. It does not form part of the instrument and has not been endorsed by the Assembly. The Statement must be read in conjunction with the instrument.

The instrument declares the things the Minister has determined are a distributed energy resource under new section 31D (3) of the *Construction Occupations (Licensing) Regulation 2004*. Electrical wiring work on a distributed energy resource declared in this instrument will require electricians to have an endorsement on their licence to undertake this work. There is a 6-month grace period from 11 March 2024 to 11 September 2024 to enable electricians to obtain the endorsement.

The things that have been declared as distributed energy resources (DER) are defined with reference to their corresponding Australian and New Zealand Standards. This provides a nationally accepted definition and ensures this instrument adequately defines the type of distributed energy resources intended to require electricians to have an endorsement. The definitions in the standards align with the scope of electrical wiring work undertaken by electricians. The endorsement established by section 31D of the *Construction Occupations (Licensing) Regulation 2004* is limited to electrical wiring work undertaken by electricians. Other installations of DER are subject to other regulatory settings, such as the *Professional Engineers Act 2023* as the installations require the involvement of an electrical engineer.

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*.

### **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. This instrument declares certain things to be distributed energy resources and does not impose any additional requirements.

### **Human Rights**

The Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) terms of reference require consideration of human rights impacts of subordinate legislation, among other matters. There are no human rights impacts related to this instrument.

Section 27B (1) of the *Human Rights Act 2004* (HRA) expressly provides that the practice of a trade, occupation or professional may be regulated by law.

A detailed assessment of the human rights implications of the addition of a licence endorsement requirement for electricians to undertake work on certain distributed energy resources was contained in the [explanatory statement](#) to the *Building and Construction Legislation Amendment Act 2023*.

### **Clause Notes**

**Clause 1** provides the name of the instrument.

**Clause 2** states the commencement of the instrument is on commencement of section 42 of the *Building and Construction Legislation Amendment Act 2023*. Section 44 inserts new section 31D into the *Construction Occupations (Licensing) Regulation 2004*.

**Clause 3** declares the things that are a distributed energy resource for which an endorsement is required under section 31D of the *Construction Occupations (Licensing) Regulation 2004*.

**Clause 4** disapplies the requirement in section 47 (5) of the *Legislation Act 2001*. Section 47 (5) provides that the text of an instrument applied or incorporated as in force at a particular time in a disallowable instrument is taken to be a notifiable instrument made under the relevant instrument, and therefore must be published on the Legislation Register.

This instrument incorporates three Australian and New Zealand standards. The standards are technical standards used by electricians to meet regulatory requirements across jurisdictions. Electricians have knowledge of the standards relevant to undertaking their professional services.

The standards referenced are available for purchase from [www.standards.org.au](http://www.standards.org.au). There are challenges relating to the ability to provide public access to Australian Standards due to copyright issues.

Standards Australia has recently released an initiative (Reader Room) that provides limited, no-fee access to the entire catalogue of Australian Standards for non-commercial purposes, that is for personal, domestic or household use. This initiative provides access for free to a maximum of three standards every 12 months, with access for 24 hours at a time. The Reader Room is available at <https://readerroom.standards.org.au/>. As these standards are Australian and New Zealand Standards (International Standards), they are not currently available via the Reader Room. Standards Australia is looking to expand the standards available via the Reader Room in the future.