

**2010**

**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**Construction Occupations (Licensing) Amendment Regulation 2010 (No 1)  
SL2010-36**

**EXPLANATORY STATEMENT**

**Presented by  
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Minister for Planning**

This explanatory statement relates to the *Construction Occupations (Licensing) Amendment Regulation 2010 (No 1)* (the amending regulation) which amends the *Construction Occupations (Licensing) Regulation 2004* (COLR).

## **Background**

The *Construction Occupations Legislation Amendment Act 2010* (the Act) amended the *Construction Occupations (Licensing) Act 2004* (COLA) and *Unit Titles Act 2001* (UTA) to create a new construction occupation of works assessor. A works assessor will assess and collate stated requirements for a unit title application and provide that material to the planning and land authority (the authority) in the form of a unit title assessment report. The report is one element of the final application for unit titling a development and the authority retains responsibility for the final decision.

The construction occupation of works assessor was created following discussions with industry through the ACTPLAN Industry Monitoring Group (IMG) convened by the authority. The IMG was established as a result of the Chief Minister's Roundtable with industry, held in December 2008, to monitor and report on the implementation of the *Planning and Development Act 2007* and discuss ways to streamline processes and gain greater efficiencies for industry and government.

Industry indicated a desire to more fully integrate the unit title application process into the private certification processes because delays experienced during periods of peak demand were impacting on the final occupation of units. It is expected that the creation of the construction occupation of works assessor that can do the site inspection elements and collation of materials for unit title applications will deliver greater flexibilities to industry while maintaining the overall integrity of the process.

## **Overview**

Clause 4 of the amending regulation amends section 15 of COLR to make a partnership or corporation eligible to be licensed as a work assessor. Clauses 5 and 6 insert demerit grounds for occupational discipline for the works assessor similar to those already in COLR for other construction occupations. The remaining clauses

amend the Dictionary as a consequence of the amendments to COLR by this amending regulation.

### **Regulatory Impact Statement**

A regulatory impact statement (RIS) has not been prepared for the amending regulation. That part of the amending regulation that allows a company or partnership to apply to be licensed as a works assessor provides an advantage and does not adversely affect anyone. A RIS is, therefore, not required for that part of the regulation as per section 36(b) of the Legislation Act. Section 36 states:

- (1) A regulatory impact statement need not be prepared for a proposed subordinate law or disallowable instrument (the proposed law) if the proposed law only provides for, or to the extent it only provides for:
- (b) a matter that does not operate to the disadvantage of anyone (other than the Territory or a territory authority or instrumentality) by—
- (i) adversely affecting the person's rights; or
  - (ii) imposing liabilities on the person;

The remaining substantive parts of the amending regulation create demerit offences for a new class of construction occupation in line with those already in existence for other construction occupations under COLR. That regulation has previously been scrutinised by the Scrutiny of Bills Committee without comment (Scrutiny Report 1 of 9/12/2004). On this basis, no RIS is required for the remainder of the amending regulation.

### **Outline of Provisions**

#### **Clause 1 Name of regulation**

Names the regulation as the *Construction Occupations (Licensing) Amendment Regulation 2010 (No 1)*.

#### **Clause 2 Commencement**

States that the regulation commences on the day after its notification.

#### **Clause 3 Legislation amended**

States that the regulation amends the *Construction Occupations (Licensing) Regulation 2004*.

**Clause 4 New section 15(1)(i)**

Inserts new section 15(1)(i) to insert “works assessor” as a construction occupation in which a partnership or corporation is eligible to be licensed. Section 17 of COLA provides that a corporation or partnership may apply for a licence in a construction occupation only if the regulations allow a corporation or partnership to be licensed in the occupation. Section 15 of COLR sets out the construction occupations for the purposes of section 17 of COLA.

**Clause 5 Schedule 2 part 2.2 new item 2.2.10**

Schedule 2 provides demerit grounds for occupational disciplines. Clause 5 inserts demerit grounds for the building surveyor in his role as a works assessor in part 2.2 of the schedule. Under section 9 of COLA, building surveyors can do works assessment work. Failure by a building surveyor to give a copy of his unit title assessment report to the authority within 5 working days after giving the report to the applicant will be a demerit ground for occupation discipline with a penalty of 1 demerit point.

**Clause 6 Schedule 2 new part 2.7A**

Inserts new part 2.7A in schedule 2 which inserts demerit grounds for occupational discipline for those licensed as a works assessor. Failure by a works assessor to give a copy of his unit title assessment report to the authority within 5 working days after giving the report to the applicant will be a demerit ground for occupation discipline with a penalty of 1 demerit point.

**Clause 7 Dictionary, note 3**

Omits “building certifier” from note 3 as that term is not used in COLR.

**Clause 8 Dictionary, note 3**

Inserts “building surveyor” and “works assessor” in note 3 of the Dictionary as a consequence of the amendments made to COLR by this amending regulation.

**Clause 9 Dictionary, new definition of *unit title assessment report***

Inserts new definition of unit title assessment report as a consequence of the amendments made to COLR by this amending regulation.