

Construction Occupations (Licensing) (Qualifications) Declaration 2019

Disallowable instrument DI2019-15

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 and financial 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, and Works Assessor Licences. It prescribes qualifications for particular applicants for new licences. It does not prescribe general requirements for renewing licensees or financial requirements.

Expired licences

The previous declaration included eligibility options for people with previous licences if the licence was not, or is not, the subject of cancellation or suspension. These pathways have been redrafted to include licences surrendered to avoid occupational discipline or another regulatory action against the licensee (however described), as ineligible for those options. This is consistent with the policy intent of the exclusions.

Plumbing plan certifier licences

This instrument updates Method 1 for plumbing plan certifier licences to include the Plumbing Code of Australia (PCA) as well as *AS/NZS 3500 – Plumbing and Drainage* as a document an applicant must demonstrate sufficient knowledge of to hold a licence. The PCA is adopted as part of the ACT plumbing code made under the *Water and Sewerage Act 2000*. It references *AS/NZS 3500 – Plumbing and Drainage* as a method of complying with relevant performance standards.

Class A Works Assessor – planning and development

The instrument also removes a pathway for a principal building surveyors licences by registration as a principal certifier-building ACT on Engineers Australia's National Engineering Register. The registration is no longer offered. There are no other changes to qualifications for building surveyor licences in this instrument.

Class B Works Assessor – planning and development

This instrument clarifies that the levels of membership of the Planning Institute of Australia that make an eligible under Method 1 does not include student or associate members.

Other licences

Eligibility pathways have been redrafted and reformatted for clarity and consistency in the document. This instrument also updates references to the National Engineering Register.

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

Commencement

The instrument commences on the day after its notification date.

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 regulatory impact statement 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

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

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