

Construction Occupations (Licensing) (Qualifications) Declaration 2024

Disallowable instrument DI2024-35

made under the

Construction Occupations (Licensing) Regulation 2004, s 13 (Eligibility for licence—suitability 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.

This instrument declares 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;
- Builder; and
- Building Surveyor.

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*.

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

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.

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. Determining eligibility criteria such as qualifications, experience and competencies is common practice in occupational registration schemes.

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*.

2024 Declaration Updates

This updated instrument:

1. introduces qualification requirements for the new distributed energy resource endorsement for electricians;
2. updates the qualification requirements for building assessors undertaking energy efficiency assessments for national consistency; and
3. makes other minor editorial amendments.

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

The *Building and Construction Legislation Amendment Act 2023* introduces new licensing requirements for electricians undertaking work on certain distributed energy resources.

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), allowing assessors more flexibility to choose electives that suit their training and business needs. These amendments support the following building reforms that commenced on 15 January 2024:

- adoption of new energy efficiency provisions in the National Construction Code (NCC 2022 edition);
- amendments in the *Building (General) Regulation 2008* via the *Building (General) Amendment Regulation 2023 (No 1)*; and

- the *Construction Occupations (Licensing) Building Energy Efficiency Assessment Sale and Lease of Residential Premises Code of Practice 2024*.

Clause Notes

Clauses 1 and 2 are formal provisions that deal with the name and commencement of the instrument. The instrument commences on 11 March 2024 to align with commencement of the new licensing requirements for electricians.

Clause 3 declares that schedule 1 contains the qualification requirements necessary for an entity to be eligible to be licensed, or obtain an endorsement, 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 declaration.

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