

Australian Capital Territory

# Construction Occupations (Licensing) (Qualifications) Declaration 2024 (No 2)

Disallowable instrument DI2024-41

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

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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 makes minor and technical updates to assist with operational requirements relating to the new licensing endorsement for electricians undertaking work on distributed energy resources. There are no additional changes to the instrument. The [Explanatory Statement](#) for the [Construction Occupations \(Licensing\) \(Qualifications\) Declaration 2024](#) (DI2024-35) provides information on the changes made in that instrument.

### **Clause Notes**

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

**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