

Construction Occupations (Licensing) (Building Assessor Licences Software Endorsements) Determination 2012 (No 1)

Notifiable Instrument NI2012-343

made under the

Construction Occupations (Licensing) Regulation 2004, section 31A (Endorsing building assessors licences for use of software—Act, s22)

1. Name of instrument

This instrument is the *Construction Occupations (Licensing) (Building Assessor Licences Software Endorsements) Declaration 2012 (No 1)*.

2. Commencement

This instrument commences on the day after notification.

3. Determination of software to be endorsed

I determine that —

- (1) The occupation classes specified in column 2 of schedule 1 must be endorsed in at least one of the software applications and versions approved for that class and commercially known as those specified in columns 3 and 4 of schedule 1 to this instrument.
- (2) A software endorsement authorises operation of the thermal performance assessment and rating modules or regulatory components of the software application only.
- (3) An endorsement for a software version includes any updates issued under that version number or beginning with that version number unless otherwise determined.

Example

An endorsed software package has a version number of 1.3. The endorsement includes subsequent updates to the software version numbered 1.3.1, 1.3.2, 1.3.24, and the like.

Note An example is part of the instrument, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126).

4. Operation of software

A licensee may only operate stated software applications to provide a building assessment service if his or her licence is endorsed to authorise the operation of that software.

5. Status of endorsements for software versions—AccuRate

An endorsement to operate AccuRate Version 1.1.4.1 is taken to be an endorsement to operate AccuRate Sustainability Version 2.0.2.13.

6. Status of endorsements for previously approved software versions—BERS Professional and FirstRate 5

- (1) An endorsement to operate BERS Professional Version 4.1 is taken to be an endorsement to operate BERS Professional Version 4.2.
- (2) An endorsement to operate FirstRate 5 Version 5.0 is taken to be an endorsement to operate FirstRate 5 Version 5.1.
- (3) This section does not limit the operation of section 7.

7. Operation of previously approved software versions

- (1) Software must not be used in a building assessment service unless the software version is specified in columns 3 and 4 of schedule 1 to this instrument or the construction occupations registrar has directed a building assessor to use software that is not listed in that schedule.
- (2) To remove any doubt, unless under direction by the construction occupations registrar, other versions of software including those previously subject to endorsement must not be used to undertake a building assessment service.

Example

The construction occupations registrar may direct a building assessor to operate a previously approved version of software to rectify an assessment undertaken when that software was authorised for use.

Note Previous versions of accredited software include BERS Professional 4.1 and FirstRate 5 Version 5.0. Although endorsements for those versions may be used under section 6 as endorsements for the approved versions of the relevant software the earlier versions must not be used for a building assessment service, which includes preparing and energy efficiency rating statement of energy efficiency certificate under the *Building Act 2004*.

8. Prescribed uses for endorsed software

An endorsement to authorise the operation of software does not authorise its use for a building assessment service if the software application and version are not prescribed for the type of building assessment in a code of practice

made under section 104A (Codes of practice) of the *Construction Occupations (Licensing) Act 2004*.

Example

A Class A building assessor holds an endorsement for a version of First Rate 4. The assessor intends to provide a building assessment of a proposed dwelling to demonstrate compliance with building regulation. Codes of practice for building assessment prescribe that First Rate 4 software can only be used for building assessments of existing dwellings to be used for disclosure obligations under the *Civil Law (Sale of Residential Property) Act 2003* or the *Residential Tenancies Act 1997*. Therefore the assessor cannot use the software to do the assessment and must use alternative software that is permitted for the intended purpose. The assessor must also hold a licence endorsement that authorises the operation of the alternative software (see section 4).

9. Revocation

NI2011-70 *Construction Occupations (Licensing) (Building Assessor Licences Software Endorsements) Determination 2012 (No 1)* is revoked.

David Middlemiss
Australian Capital Territory Construction Occupations Registrar

3 July 2012

SCHEDULE 1

Column 1 Licence	Column 2 Occupation Class	Column 3 Software Application	Column 4 Version
Building Assessor	Class A	a) AccuRate	Version 1.1.4.1 or Version 2.0.2.13
		b) BERS Professional	Version 4.2
		c) FirstRate 5	Version 5.1
		d) First Rate 4	Version 4.05 or Version 4.06
Building Assessor	Class B	a) AccuRate	Version 1.1.4.1 or Version 2.0.2.13
		b) BERS Professional	Version 4.2
		c) FirstRate 5	Version 5.1

Registrar's Initials _____