

Building Amendment (Continuing Professional Development) Regulations

Exposure Draft

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Victoria

Building Amendment (Continuing Professional Development) Regulations

Exposure Draft

1 Objective

The objective of these Regulations is to amend the Building Regulations 2018—

- (a) to prescribe continuing professional development requirements for registered building practitioners; and
- (b) to make consequential and other amendments.

2 Authorising provisions

These Regulations are made under sections 261 and 262 of the **Building Act 1993**.

3 Commencement

These Regulations come into operation on 1 January 2025.

4 Principal Regulations

In these Regulations, the Building Regulations 2018¹ are called the Principal Regulations.

5 Definitions

In regulation 5(1) of the Principal Regulations
insert the following definitions—

"RTO means a training organisation
registered under Division 4 of Part 4.3 of the
Education and Training Reform Act 2006
or a vocational education and training
organisation registered under section 17 of
the National Vocational Education and
Training Regulator Act 2011 of the
Commonwealth;

unit of competency has the same meaning as in
Part 4.1 of the **Education and Training
Reform Act 2006**;"

6 New Division 6 inserted in Part 18

After Division 5 of Part 18 of the Principal
Regulations **insert**—

"Division 6—Continuing professional development requirements

270 Definitions

In this Division—

***approved continuing professional
development program*** means a
continuing professional development
program approved by the Authority
under regulation 270C(2);

building practitioner means a natural person
registered as a building practitioner in a
category or class of building
practitioner under section 171(1)(a) of
the Act;

eligible activity means an activity that may be undertaken or attended (including online) that—

- (a) aims to refresh, update or develop knowledge and skills relevant to the work authorised to be carried out by the registration of a building practitioner; and
 - (b) is not an activity determined by the Authority to be an ineligible activity under regulation 270G(1)(b); and
 - (c) is in the form of—
 - (i) an online or face-to-face course or module (including a self-paced course or module), unit of competency, lecture, seminar, workshop, conference, forum, or information or trade session; or
 - (ii) a technical demonstration delivered by a manufacturer (including online); or
 - (iii) private study or research or writing for a technical industry journal or magazine; or
 - (iv) on-the-job training; or
 - (v) direct supervision of work undertaken by, or structured mentoring of, a person employed under a training contract to carry out building
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work by an employer who has been approved under section 5.5.7 of the **Education and Training Reform Act 2006** by the Victorian Registration and Qualifications Authority to employ that person under the training contract; or

- (vi) any other form of learning or training, which the Authority determines is an eligible activity under regulation 270G(1)(a);

ethical and professional conduct means any of the following types of conduct—

- (a) working honestly, in good faith and with integrity;
- (b) being accountable for responsibilities;
- (c) managing conflicts of interest;
- (d) working openly and constructively with regulators;
- (e) dealing with clients and other building industry participants fairly and equitably;
- (f) understanding and applying any relevant building industry codes of conduct;

points, in relation to the continuing professional development requirements set out in regulation 270B, means the number of points equivalent to the number of hours of participation in an eligible activity in the subject areas, up

to the maximum number of points for a particular eligible activity or form of eligible activity determined by the Authority under regulation 270G(1)(c) (if any);

relevant CPD period means, in respect of an application by a natural person for renewal of a registration under section 171(1)(a) of the Act in a category or class of building practitioner, the period beginning on the day on which such an application for renewal was last previously received by the Authority from the person or the day on which such a registration was first granted to the person (as applicable) and ending on the day on which the application for renewal is received by the Authority;

structured learning means—

- (a) any course, module or unit of competency that forms part of a qualification delivered by an RTO, a university, or a TAFE institute within the meaning of section 1.1.3(1) of the **Education and Training Reform Act 2006**; or
 - (b) any course or activity delivered by or on behalf of the Australian Building Codes Board or a public sector body within the meaning of the **Public Administration Act 2004**, which includes an assessment component to validate that learning outcomes have been achieved; or
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- (c) any course or activity delivered by a person or an organisation determined by the Authority to be a provider of structured learning under regulation 270H(1);

subject area means any of the following areas—

- (a) technical knowledge;
- (b) ethical and professional conduct;
- (c) workplace safety;
- (d) business management;
- (e) sustainability;

technical knowledge means the skills and knowledge about relevant work codes and standards, legislative or regulatory requirements, work methods, products, materials and technologies, which are directly relevant to the work authorised to be carried out by the registration of a category or class of building practitioner;

workplace safety means skills and knowledge in relation to the following—

- (a) the health, safety or welfare of any person while carrying out work that may be carried out by a building practitioner;
- (b) the elimination of risks to the health, safety or welfare of a person referred to in paragraph (a);

- (c) ensuring that the health and safety of members of the public is not placed at risk by any person while carrying out work that may be carried out by a building practitioner;
- (d) safe work practices and technical standards that relate to the safety of persons who use buildings.

270A Prescribed continuing professional development requirements for building practitioners

For the purposes of sections 173(5)(a) and 179(1)(l) of the Act, the prescribed continuing professional development requirements for a building practitioner applying to renew a registration in a category or class of building practitioner are completion of either—

- (a) the requirements set out in regulation 270B; or
- (b) the requirements set out in regulation 270C(1).

Notes

- 1 A building practitioner can choose to meet the prescribed requirements set out in either regulation 270B or 270C(1).
- 2 There are transitional provisions in regulation 285A in respect of the continuing professional development requirements prescribed under paragraph (a) of this regulation.

270B Completion of continuing professional development requirements

- (1) For the purposes of regulation 270A(a), the continuing professional development requirements for the building practitioner are—
- (a) subject to subregulations (2), (3) and (4), the building practitioner must complete at least 60 points of eligible activities within the relevant CPD period, of which—
 - (i) at least 30 points must be completed in the form of structured learning in the subject area of technical knowledge that relates to the category or class of building practitioner in which the building practitioner is registered; and
 - (ii) at least 5 points must be completed in the subject area of workplace safety; and
 - (iii) at least 5 points must be completed in the subject area of ethical and professional conduct; and

Note

An eligible activity may be relevant to more than one subject area simultaneously.

- (b) compliance with any request for information made by the Authority under regulation 270J; and
 - (c) the retention of evidence of completed eligible activities in accordance with regulation 270D(1); and
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- (d) any further requirements determined by the Authority under regulation 270F(1) that relate to the category or class of building practitioner.
- (2) If the relevant CPD period is less than 5 years, the requirements referred to in subregulation (1)(a) and (d) must be reduced in proportion to the duration of the relevant CPD period as a percentage of 5 years, to the nearest whole number of points.
- (3) Subject to subregulation (4), if a building practitioner holds a registration in more than one category or class of building practitioner the eligible activities required to have been completed under subregulation (1)(a) during the relevant CPD period for each registration may relate to any of the registrations held by the building practitioner during the relevant CPD period.
- (4) On an application by a building practitioner referred to in subregulation (3) for renewal of each registration, the building practitioner must have completed at least one eligible activity required under subregulation (1)(a)(i) that relates to each registration sought to be renewed.

270C Approved continuing professional development programs

- (1) For the purposes of regulation 270A(b), the continuing professional development requirements are that, during the relevant CPD period, a building practitioner must enrol in and meet the requirements of a continuing professional development program that relates to the category or class of building practitioner, which has been
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- approved by the Authority under subregulation (2).
- (2) The Authority may approve a continuing professional development program (*the program*) that relates to one or more categories or classes of building practitioner if the Authority is satisfied that—
- (a) the program is likely to result in the ongoing competency of a building practitioner registered in a category or class of building practitioner to which the program relates at least to the extent of the competency that would be gained by the completion of the continuing professional development requirements set out in regulation 270B for that category or class of building practitioner; and
 - (b) the learning activities and courses to be completed under the program relate to each and every category or class of building practitioner to which the program relates; and
 - (c) the program will remain up to date with building industry standards and practices; and
 - (d) the person or organisation providing the program—
 - (i) has adequate audit and assurance procedures in place to be able to verify that a building practitioner of a category or class of building practitioner to which the program relates has met the requirements of the program; and
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- (ii) has agreed to notify the Authority of any material change in the requirements of the program as soon as practicable after the change, or as required by the Authority from time to time.
- (3) The Authority may revoke its approval of a program under this regulation at any time if the Authority is satisfied that in the circumstances it is appropriate to do so.
- (4) The Authority must keep a list of approved programs, including the providers of those programs, on its website.

270D Building practitioners must keep evidence of completed eligible activities

- (1) A building practitioner must keep evidence of all completed eligible activities referred to in regulation 270B(1)(a), including (as applicable) proof of attendance, statements of attainment, receipts or a personal log in relation to each eligible activity and its learning outcomes, for at least 3 years after the end of the relevant CPD period in which the eligible activity was completed.
- (2) Subregulation (1) does not apply to a building practitioner if the evidence of eligible activities completed by the building practitioner has already been provided to the Authority in a manner determined by the Authority.

270E Prescribed information to accompany application for renewal of a registration

For the purposes of section 170A(e) of the Act, in respect of an application for renewal of a registration of a building practitioner, the following information is prescribed—

- (a) if the building practitioner was enrolled in an approved continuing professional development program during the relevant CPD period, the name of that program and the dates of that enrolment;
- (b) in any other case—
 - (i) a statement of the eligible activities completed by the building practitioner during the relevant CPD period; and
 - (ii) evidence of the completed eligible activities required to be kept by the building practitioner under regulation 270D(1) during the relevant CPD period; and
 - (iii) a declaration by the building practitioner of the practitioner's compliance with the continuing professional development requirements set out in regulation 270B(1) during the relevant CPD period.

270F Authority may specify further continuing professional development requirements

- (1) Subject to regulation 270I, for the purposes of regulation 270B(1)(d) the Authority may determine further requirements in respect of some or all of the minimum number of
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points referred to in regulation 270B(1)(a)(i)
by—

- (a) requiring building practitioners in a particular category or class of building practitioner to complete—
 - (i) a minimum number of points on a particular topic within the subject area of technical knowledge; or
 - (ii) a minimum number of points in a particular eligible activity or form of eligible activity; or
 - (iii) a minimum number of points in eligible activities delivered by a particular provider of structured learning or a provider in a class of providers of structured learning; and
- (b) specifying periods of time in which any of the requirements referred to in paragraph (a) must be completed.
- (2) A determination under subregulation (1) must be published by notice on the Authority's website.

270G Authority may make determinations about eligible activities

- (1) Subject to regulation 270I, for the purposes of the definition of *eligible activity* in regulation 270, the Authority may determine any of the following—
 - (a) further eligible activities for a category or class of building practitioner;
 - (b) certain activities that are ineligible activities for a category or class of building practitioner;
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- (c) a maximum number of points that can be obtained by completing an eligible activity or form of eligible activity.
- (2) A determination under subregulation (1) must be published by notice on the Authority's website.

270H Authority may determine persons or organisations to be providers of structured learning

- (1) Subject to regulation 270I, for the purposes of paragraph (c) of the definition of *structured learning* in regulation 270, the Authority may determine that a person or organisation is a provider of structured learning that relates to a category or class of building practitioner if the Authority is satisfied that the courses or activities provided by the person or organisation—
 - (a) are delivered, or in the case of self-paced learning activities designed, by a person—
 - (i) with appropriate accreditation or qualifications to provide the courses or activities; or
 - (ii) who has specialist industry expertise in the subject area of technical knowledge; and
 - (b) cover technical knowledge relevant to the category or class of building practitioner; and
 - (c) are up to date with building industry standards and practices; and
 - (d) include published learning content that includes clearly identifiable learning outcomes; and
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- (e) include an assessment component to confirm that learning outcomes have been achieved.
- (2) The Authority must keep a list of persons and organisations determined by the Authority to be providers of structured learning on its website.
- (3) The Authority is not required to determine whether a person or organisation meets the criteria in subregulation (1) or to list any person or organisation as a provider of structured learning, despite the criteria in subregulation (1) being met by the person or organisation.
- (4) The Authority may remove a provider of structured learning from the list under subregulation (2) if the Authority is satisfied that the provider—
 - (a) is not a fit and proper person or organisation to deliver courses or activities; or
 - (b) no longer meets the criteria in subregulation (1); or
 - (c) is no longer appropriate to be listed.

270I Authority must consult with stakeholders before making certain determinations

- (1) Before making a determination under regulation 270F, 270G or 270H, the Authority must consult with relevant building industry stakeholders who the Authority considers represent the interests of, or who provide continuing professional development training that relates to, a category or class of building practitioner affected by any such determination.
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- (2) For the purposes of subregulation (1), the Authority may make a determination under regulation 270F, 270G or 270H if advice was sought from a relevant building industry stakeholder but not received within any timeframe notified to the industry stakeholder by the Authority.
- (3) In this regulation, *relevant building industry stakeholder* includes a professional association, trade union, public authority and a person or an organisation that provides continuing professional development training.

270J Authority may request information

- (1) The Authority may request information from a building practitioner in order to provide evidence of completion of any of the continuing professional development requirements prescribed under regulation 270B.
- (2) A building practitioner must provide the information requested by the Authority under subregulation (1) in the form approved by the Authority and within the time requested by the Authority."

7 New regulation 285A inserted

After regulation 285 of the Principal Regulations
insert—

"285A Transitional and savings provisions relating to the Building Amendment (Continuing Professional Development) Regulations 2024

- (1) The continuing professional development requirements prescribed in regulation 270A do not apply in respect of an application for
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- renewal received by the Authority before 1 July 2025.
- (2) If the relevant CPD period for an application for renewal made on or after 1 July 2025 commences before 1 January 2025, the relevant CPD period is taken to commence on 1 January 2025.
- (3) Despite regulation 270B(1)(a) and subregulation (2), for an application for renewal received by the Authority on or after 1 July 2025 and before 1 January 2026, any eligible activities that are completed during the period commencing on 1 July 2024 and ending on 31 December 2024 are to be taken into account for satisfying the continuing professional development requirements for that application for renewal set out in regulation 270B.
- (4) Regulation 270E does not apply in respect of an application for renewal received by the Authority before 1 July 2025.
- (5) In this regulation—
- application for renewal* means an application for renewal of a registration under section 171(1)(a) of the Act;
- eligible activity* has the same meaning as in regulation 270;
- relevant CPD period* has the same meaning as in regulation 270."

8 Amendment to Schedule 9

Clause 1(1) of Schedule 9 to the Principal Regulations is **revoked**.

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Endnotes

Endnotes

¹ Reg. 4: S.R. No. 38/2018 as amended by S.R. Nos 38/2018, 75/2018, 100/2018, 180/2018, 40/2019, 116/2019, 21/2020, 42/2020, 83/2020, 101/2020, 73/2021, 128/2021, 50/2022, 61/2022, 65/2023, 80/2023, 102/2023, 122/2023 and 132/2023.