



**Fair
Trading**

HOME BUILDING ACT 1989

DIRECTOR-GENERAL'S GUIDELINES FOR CONTINUING PROFESSIONAL DEVELOPMENT

6 July 2009

HOME BUILDING ACT 1989

CONTINUING PROFESSIONAL DEVELOPMENT

APPLICATION

Continuing professional development is a requirement for licence and certificate holders in the category of general building work or swimming pool building under section 40 (2D) and (2E) of the *Home Building Act 1989*.

PURPOSE

The continuing professional development requirements are aimed at maximising consumer protection outcomes, maintaining public confidence by ensuring that industry participants are continually up-dating their skills, raising the quality of building and construction standards, improving safety, and reducing building disputes in the NSW home building industry. In particular, the requirements aim at the long term upgrading of the professionalism and performance of builders and swimming pool by:

- improving knowledge, skills and practice across industry in identified areas of marketplace concern; and
- maintaining or improving levels of competence, customer service and business management skills in the industry as a whole.

ADMINISTRATION

The Office of Fair Trading is responsible for the administration and monitoring of the continuing professional development requirements. The Director-General's Guidelines set out the requirements that must be fulfilled by building and swimming pool building licence and certificate holders in undertaking their continuing professional development.

COMMENCEMENT

These Guidelines took effect from 1 January 2008. Any continuing professional development undertaken in accordance with preceding Director-General's Guidelines which were dated June 2006, may be credited towards satisfying the declaration to be made after 1 January 2008 when a licence or certificate is renewed that at least 12 points of continuing professional development has been completed,

DIRECTOR-GENERAL'S GUIDELINES

1. NUMBER OF POINTS TO BE COMPLETED

Builder and swimming pool builder licence holders and qualified supervisors must earn a minimum of 12 continuing professional development points in the 12 month period immediately prior to the renewal of the licence or certificate. Surplus continuing professional development points from one year may be carried forward for twelve months.

2. CONTINUING PROFESSIONAL DEVELOPMENT LEARNING CATEGORIES & POINT ENTITLEMENT

Continuing professional development in the broad learning areas specified in this document may be undertaken from any of the learning categories listed below.

Learning Category 1: 1 point per hour

An activity with an identifiable learning outcome.

The training must be delivered by interactive training such as CD-Rom, workshop, web-based tool, forums or conference presentation.

Learning Category 2: 2 points per hour

Structured learning with an assessed learning outcome linked to either a relevant Australian University qualification or a relevant national Training Package outcome delivered by a registered training organisation.

Additional information

A total of 4 points can be claimed in a single year comprising any or all of the following:

One point each year can be claimed by the builder or swimming pool builder for each person employed under a formal training arrangement such as an apprenticeship or traineeship.

Where a partner or associate of the builder or swimming pool builder undertakes continuing professional development learning on behalf of the business, points can be earned as if undertaken by the licensees.

3. LEARNING OUTCOMES

The continuing professional development activity must be relevant to the regulated work undertaken by builders and swimming pool builders, have significant intellectual or practical content and provide an educational outcome

4. TRAINING PROVIDERS

The continuing professional development must be conducted by person qualified to provide the training to be covered. For example, the trainers should have the appropriate State training accreditation to conduct training or specialist industry expertise.

5. BROAD LEARNING AREAS AND COMPULSORY TOPICS

The Director-General may determine broad learning areas for the continuing professional development activity. The Director-General may also determine compulsory topics which must be completed as part of the continuing professional development requirements. The Director-General may also establish a consultative reference group to advise about broad learning areas and any compulsory topics.

6. CERTIFICATION BY LICENSEE /CERTIFICATE HOLDER

If the period of the licence or certificate is twelve months, then a licensee or certificate holder certifies whether or not he or she has undertaken 12 points of continuing professional development in the 12 month period immediately prior to renewal. If the period of the licence or certificate is three years, then a licensee or certificate holder must certify whether or not he or she has undertaken 36 points in the 36 month period immediately prior to renewals. The certification is made when the licence or certificate renewal application is lodged.

7. LICENSEE RECORD KEEPING

A licence or certificate holder must retain a record of the actual activities undertaken, details of the educational value of the activity and the corresponding number of continuing professional development points earned. The following records are acceptable:

Learning category 1: proof of attendance, receipts or other records verifying the claim for points.

Learning category 2: statement of attainment, certificate of part completion or qualification issued by a registered training organisation or Australian University

The record must be kept for at least three years.

8. AUDIT OF LICENSEE /CERTIFICATE HOLDER RECORDS

Each year the Office of Fair Trading will verify compliance with the Director-General's Guidelines by conducting an audit of records kept by builders and swimming pool builders. If it becomes apparent that false claims have been submitted action will be taken requiring the licensee or certificate holder to show cause why the licence or certificate should not be suspended or cancelled.

9. EXEMPTIONS

In extenuating circumstances the Director-General may exempt a licensee or certificate holder from completing part or all of the requirements for continuing professional development. Circumstances for granting an exemption are limited and may relate to serious illness or misadventure.

10. NON-COMPLIANCE BY A LICENSEE

Failure to fulfil the continuing professional development requirement may result in the Director-General refusing an application for renewal of a licence. Under section 40 (2E) of the *Home Building Act 1989*, the Director-General may reject an application for renewal or restoration of a licence if the Director-General is not satisfied that, the applicant has undertaken or completed the required continuing professional development.

An application for restoration of the licence may be made in the three months after the expiry of the licence. The application for restoration may be granted once the continuing professional development requirements have been completed and all other requirements satisfied.

Graeme Head
Director-General

CONTINUING PROFESSIONAL DEVELOPMENT – BROAD LEARNING AREAS FOR BUILDERS AND SWIMMING POOL BUILDERS

Continuing professional development training and education must relate to at least one of the learning areas set out in this document. These broad learning areas may be based on, but not limited to, elements or outcomes of the relevant units of competency from an endorsed training package.

1. Sustainability

Example topics:

- BASIX
- Waste management
- Green building
- Water management
- Accessible Buildings (training could be based on PRDAC401A – Apply disability awareness to assessing access situations or PRDAC403A – Assess construction plans)

2. Compliance responsibilities (Occupational health and safety included - see also Safety below)

Example topics:

- Your obligations for home warranty insurance
- Revise and update about changes to legislation
- Where to find information
- Application of the Building Code of Australia (eg training could be based on but not limited to: BCGSV5011A - Apply building codes and standards to residential buildings or 12828SA - Building Code of Australia application or PRDAC503A – Apply building codes and standards to accessible large scale buildings)

3. Communication techniques and skills (also relates to Disputes below)

Example topics:

- Concepts of fairness and reasonableness
- Mediation and negotiation skills
- Mediation and negotiation to achieve better outcomes
- Dispute resolution
- Quality of advice

4. Disputes: how to handle complaints, how to avoid and how to resolve disputes (Also includes Communication techniques above)

Example topics:

- True and false representations.
- Avoiding misrepresentation

5. Contractual issues in a building business (also may include Compliance obligations above)

Example topics:

- Contract terms

6. Safety (also may include Compliance obligations above)

Example topics:

- Asbestos removal
- Small business safety
- Safety at heights (eg training could be based on but not limited to BCPRF2001A - Work safely on roofs)

7. Building - Technical issues (may also relate to Sustainability above)

Builders

Example topics:

- Waterproofing – external (balconies and planter boxes) or internal (bathrooms) and interaction with other trades
- Masonry Code – articulation joints, slip joints, weepholes, provision for frame shrinkage at openings
- Ceramic tiling Code – use of flexible sealants at wall/wall and wall/floor intersections
- Strip timber flooring – adequate material acclimatisation
- Sealing of timber doors
- Aspects of multi-storey construction

Pool builders

Example topics:

- Application of pebblecrete linings
- Fixing of coping tiles to limit

8. Business management practices

Example topics:

- Time management
- New technology – using IT to improve your business
- Running a business/ Core business skills
- Supervision and project management

(Training could be based on but not limited to:

BSBSBM401A Establish business and legal requirements or
BSBSBM402A Undertake financial planning or
PSPGOV407A Prepare a quotation)

Further information

For information about where to find continuing professional development courses:

Housing Industry Association – www.hia.com.au

Master Builders Association of NSW – www.mbansw.asn.au

Swimming Pool and Spa Association – www.spasansw.com.au

TAFE NSW – 131 601

Building Institute of Training and Development – www.edu2000.net.au

Back to Basics Business Training Pty Ltd - www.backtobasics.com.au

For information about continuing professional development including frequently asked questions and examples of how to complete the requirements contact Office of Fair Trading <http://www.fairtrading.nsw.gov.au/building/builderstradespeople.html>