



ACT Planning &  
Land Authority

## Building Energy Assessor Licensing – information sheet

### Background

In 2010, the ACT Legislative Assembly passed the *Construction Occupations Legislation Amendment Act 2010* (No 2) (the Act). The Act creates a new occupational licence in the ACT for building assessors.

The first classes of licence to be introduced will be for residential energy efficiency assessors undertaking assessments for regulatory purposes. These will be *energy efficiency certificates* for building work including alterations and additions and *energy efficiency rating statements* for ratings disclosed at sale and lease of property.

All requirements for preparation of energy efficiency statements have been moved under the *Construction Occupations (Licensing) Act 2004* (COLA). The energy efficiency assessment provisions affect the:

- *Building Act 2004*
- *Civil Law (Sale of Residential Property) Act 2003*
- *Construction Occupations (Licensing) Act 2004*
- *Residential Tenancies Act 1997*

### Commencement

Licensing for energy efficiency assessors under COLA will commence on 1 March 2011. From this date all assessments for compliance with the Building Code of Australia (BCA) and the ACT Appendix, the *Civil Law (Sale of Residential Property) Act 2003* and the *Residential Tenancies Act 1997* must be produced by an appropriately licensed assessor.

For the first 12 months after licensing commences, registered ACT House Energy Rating (ACTHERS) assessors will be deemed to be licensed under COLA. However this transition applies only to assessors operating ACTHERS authorised software i.e. first generation software used for sale of property ratings. ACTHERS assessors that also use second generation software must hold a licence to continue providing regulatory assessments for building work.

ACTHERS assessors covered by the transition period can apply for a licence at any time during that period. This transition period expires after 12 months, after which time all ACTHERS assessors will need to hold a licence issued under COLA.

### Classes of Licence

There will be two classes of licence for energy efficiency assessors:

- class A – assessors can undertake assessments from on-site inspections (for example alterations/additions under the BCA where part or all of an existing dwelling is assessed, and sale and lease of property)
- class B – assessors may only perform assessments of buildings off-the-plan.

Assessors performing on-site and off-plan assessments will not need to hold both classes of licence as a class A licence also allows the holder to do anything allowed under a class B licence.

#### *Software endorsements*

A licence can only be granted to a person eligible to be endorsed to operate at least one of the authorised software packages for the class of licence they are applying for.

Endorsements will be available for tools used for the BCA and sale of property. A full list of software endorsements will be provided with information about the application process.

Licensed assessors can apply to add endorsements to their licence at any time.

### **Qualifications**

The schedule of mandatory qualifications for class A and B licences applicants will be finalised shortly. The required qualifications will be based on earlier public consultation and feedback from industry.

#### Class A and B

Pre-requisite qualifications both classes of licence will be:

- a minimum certificate IV level qualification in building, or a building design-related, or environmental and other technical field that includes sufficient knowledge of residential building plans, building energy use and energy efficiency, particularly the effect of climate, materials and design on building performance; and
- satisfactory completion of training in the software the applicant wishes to be endorsed for; and
- satisfactory completion of the 32 hour short course in *Building Thermal Performance Assessment (Residential)*; or
- a current ACTHERS registration; or
- a current ABSA accreditation (applicants for a class B licence only)

#### Class A licence

Additional skills are required to assess a building as-constructed. It is expected that a class A assessor is able to gather all information required to perform a rating on-site without assistance. Minimum competencies for class A assessors will initially be:

- BCGSV5001A — Assess the construction of domestic scale buildings;
- BCGSV5006A — Assess construction faults in residential buildings; and
- BCGSV5015A — Assess structural requirements of domestic scale buildings

**or**

- Equivalent competencies in the physical identification of building materials, construction methods and faults as they apply to energy efficiency ratings.

### **Insurance**

Applicants will need to show they hold adequate professional indemnity insurance to be eligible for a licence. Insurance must provide:

- (a) indemnity against claims for breach of professional duty as a building assessor; and
- (b) a minimum limit of indemnity of \$1 000 000 for a single claim.

## **Regulations for energy efficiency assessors, rating statements and certificates**

The majority of regulations for energy efficiency assessors will be in a new code of practice to be made under COLA. The code will include administrative requirements such as submission of documents, parameters for validity of ratings, technical protocols for carrying out assessments, requirements and forms for certificates and energy efficiency rating statements.

The code of practice will be released in January 2011. Further information sessions on obligations under the code will be held for assessors prior to the start of licensing.

From 1 March 2011 if an energy efficiency certificate is used to demonstrate compliance with the BCA, the certificate will form part of the required documents for building approval applications in accordance with the *Building Act 2004*.

### *Conflict of interest*

The conflict of interest provisions for sale and lease of property ratings will continue, with additional requirements for BCA ratings used for disclosure. There are new provisions in the *Building Act 2004* relating to assessments for new buildings.

## **Construction Occupations (Licensing) Act 2004**

Energy efficiency assessors will be subject to the same regulatory framework in place for all construction occupations in the ACT. COLA contains general provisions for:

- Ongoing eligibility for licence
- Compliance auditing
- Rectification orders
- Displaying a licence number in advertising
- Complying with codes of practice
- Disciplinary action
- Demerit points

### ***Disciplinary Action***

The Construction Occupations Registrar can take a number of actions against licensees when they breach regulations, including to:

- Issue a reprimand
- Require a licensee to undergo further training
- Impose a condition on a licence
- Impose a financial penalty up to \$1000
- Suspend, cancel and disqualify a licence holder
- Refer the matter to the ACT Civil and Administrative Tribunal for hearing

### ***Demerit point scheme***

COLA also contains a demerit point scheme. This is an alternative to the disciplinary scheme but disciplinary action may be taken if a licence holder reaches 15 demerit points. Licensees can accrue 15 points over 3 years and will receive a warning notice at 10 points.

Grounds for demerit points for energy efficiency assessors are being developed alongside the code of practice. There will be a separate section in the legislation for energy efficiency assessors.

Other occupations such as builders and building certifiers may also incur demerit points or disciplinary action in relation to energy efficiency assessments if they have not complied with the new regulations.

## Applications

Applications will open in late January. Registered assessors and people included on the licensing information mailing list will be informed by email when applications open. It will also be announced on the ACTPLA website.

## Fees

Fees for licensing and administration are set on cost-recovery principles. Fees applicable to energy efficiency assessors will be:

<b>Licensing and applications</b>	Cost
Application fee - current ACTHERS registration, NatHERS accreditation (ABSA), other COLA licence	\$160
Application fee - all other applicants	\$200
Annual licence fee (including renewals)	\$250
Additional software endorsement	\$50
<b>Lodgement of energy efficiency ratings and certificates (replaces current EER lodgement fee of \$17.20)</b>	
Sale of property/residential tenancy rating	\$27
Building Act – class 2 & 4 buildings (initial lodgement and up to 5 revisions)	\$25
Building Act – class 1 - (initial lodgement and up to 5 revisions)	\$35
Re-lodgement fee (second and subsequent ratings for sale or lease, re-lodging after requirement for rectification, and 7 <sup>th</sup> and subsequent rating for the Building Act)	\$35

### Further information:

It is recommended that assessors familiarise themselves with the legislation they will be operating under. All ACT legislation is available on the ACT Legislation Register.

ACT Legislation Register – [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

For a copy of the *Construction Occupations Legislation Amendment Act 2010* [click here](#).

Updates will also be provided on the ACTPLA website [www.actpla.act.gov.au](http://www.actpla.act.gov.au)

For any questions, including current ACTHERS assessors wishing to update email addresses or anyone wanting to be added to the mailing list, please contact [ACTPLAEnergy@act.gov.au](mailto:ACTPLAEnergy@act.gov.au)

## Frequently asked questions

*Can companies be licensed?*

No. Licences will only be granted to individuals.

*What if I haven't actually had formal training in the software I have been using to rate new building work?*

You will need to arrange and complete appropriate training before you can be granted a licence. The Registrar is able to exercise discretion on qualifications; however you may need to undertake a skills assessment. This is most likely to be the same assessment included in the recognised NatHERS course so it is recommended that you enrol in the software component of the course (or the full course if you have not completed the theory module and are not a registered ACTHERS assessor)

*I don't have the competencies listed for on-site assessors. Does this mean I can't get a class A licence?*

Not necessarily. At present there are no units that are tailored to the skills needed to be an energy efficiency assessor for assessing thermal performance of existing dwellings. The units chosen represent a comprehensive knowledge of materials, construction and faults, which many assessors will already have completed as part of their pre-requisite qualifications. These units are a guide to what you will need to demonstrate: that you are able to identify different materials and methods of construction used in residential buildings (class 1 and 2 buildings), and construction faults and building flaws that would affect the energy efficiency of the building.

For people who have no relevant training or wish to upgrade their skills, ACTPLA is also considering developing gap training that will focus specifically on skills for on-site energy assessors. To register your interest in the training please email [ACTPLAenergy@act.gov.au](mailto:ACTPLAenergy@act.gov.au)

*I currently assess alterations and additions to existing houses. What type of licence do I need?*

If the assessment includes a NatHERS rating incorporating any part of an existing building you will need a class A licence. You cannot rely on house plans to assess the existing part of a building and will need to verify the information needed for the rating by visiting the site.

You do not need a licence to complete the BCA glazing calculator.

*What if I have made an application but haven't been granted a licence by 1 March 2011 – can I keep working?*

No, not unless specifically confirmed by ACTPLA. From 1 March 2011 only licensed or assessors deemed to be licensed under the transition period will be able to offer the service. It will also be illegal under the Building Act for a building certifier to accept a rating that has not been produced by a licensed assessor and in accordance with the code of practice.

The application process will open early in the year to allow plenty of time for applications to be assessed. It will be the responsibility of each assessor to make sure they lodge their application well before the commencement date.

*What happens if my application is refused?*

You will be able to request a review of the decision. There are a number of reasons why you may not be granted a licence. For example, you are not qualified, you hold another COLA licence that is suspended, or you do not meet general eligibility requirements relating to convictions for fraud or dishonesty offences. The Registrar may also place a condition on your licence or grant a lower level of licence than the one you applied for.

*I have another COLA licence. Do I only get 15 demerit points across both licences?*

No. You are entitled to separate counts for each licence. However, if action is taken against one licence it may affect your building assessor licence.

*Will ratings be audited?*

Yes. At least 5% of all ratings will be audited. This also means that 5% of each assessors work will be audited.

*Does licensing mean that first generation software for sale of property ratings can no longer be used?*

Not at this stage. Transitioning from first generation software will be addressed after the implementation of the licensing system.

*What happens to ratings produced before the licensing system started? Do they have to be redone?*

Ratings produced before licensing will be recognised under the new regulation. A building will only need to be re-assessed if the previous rating is no longer valid, accurate or current.