

Katie Harbon
Building and Construction Policy Team
Better Regulation Division
Department of Customer Service (NSW)

By email: katie.harbon@customerservice.nsw.gov.au

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Dear Katie

NECA's comment – draft Design and Building Practitioners Regulation 2020 (“the Regulation”)

The National Electrical and Communications Association (NECA) is pleased to make comment on the Better Regulation Division's draft Design and Building Practitioners Regulation 2020 (the Regulation). We thank the Department for this further opportunity to respond as part of its consultation process.

Should you have any questions, or wish to discuss this matter further please, contact Peter McCabe, Director of Policy and Government Relations at peter.mccabe@neca.asn.au or on 0439 707 101.

Yours faithfully



Oliver Judd
Chief Executive Officer



About NECA

The National Electrical and Communications Association (NECA) is the peak industry body for Australia's electrical and communications contracting industry, which employs almost 170,000 workers¹ and delivers an annual turnover in excess of \$23 billion.² We represent the interests of some 5,400 electrical and communications contracting businesses across all Australian states and territories. Our contractors engage in a range of essential work including the design, maintenance, installation and repair of electrical and electronic equipment across building and construction, mining, air conditioning and refrigeration, manufacturing, communications and renewables sectors.

NECA has been advocating for, and on behalf of, the electrotechnology industry for over 100 years. We aim to help our members and the wider industry to operate and manage their business more effectively and efficiently whilst representing their interests to federal, state and territory governments, regulators, and principal industry bodies such as the Australian Chamber of Commerce and Industry (ACCI) and Standards Australia.

Our members make an essential contribution to the Australian economy – connecting homes, businesses and infrastructure – encouraging investment, improving reliability and security across the energy system and delivering greater environmentally sustainable and affordable outcomes. We view the safety and reputation of the electrotechnology industry as paramount to all tradespeople, consumers and the broader community. We are a key stakeholder at the forefront of new and emerging energy and electrical innovation and technologies.

NECA is strongly committed to supporting the next generation of electrical and communications contractors. Working with our Registered Training Organisations (RTOs) and Group Training Organisations (GTOs), NECA provides employment and ongoing skills development for approximately 4,800 apprentices across Australia. The majority of these apprentices get the opportunity to gain work experience with NECA's members either directly or via our group schemes. The success of our programs speaks for itself: we proudly boast 90 per cent completion rates across our courses, and approximately one in three electrical apprentices in Australia is a NECA apprentice.

Our approach to attracting and supporting entrants to our industry is through a holistic, progressive and high-quality range of industry relevant programs and initiatives including our long-standing scholarship program, NECA Foundation, and the Women in Electrical Trades Roadmap. We proactively seek to ensure a diverse workforce, supporting and attracting more women, indigenous and mature aged apprentices, and promoting trade career pathways for both school students and school leavers.

¹ Australian Government 'Job Outlook'. (July 2020) (Telecommunications Trades Workers) <https://joboutlook.gov.au/Occupation?search=alpha&code=3424> and (Electricians) <https://joboutlook.gov.au/Occupation?search=alpha&code=3411>

² Ibis World 'Electrical services in Australia Industry Statistics (May 2020) <https://www.ibisworld.com/au/industry/electrical-services/325/>



NECA's comment – draft Design and Building Practitioners Regulation 2020

NECA appreciates the context and need for reform. Targeted regulation is required to ensure the very high-profile incidents of substandard design and construction work that has unjustly impacted high-rise property owners does not occur again.

We support the approach to high-rise and large-scale building work. We acknowledge the electrotechnology industry and large electrical contracting businesses are generally already equipped with the experience and appropriately qualified personnel to achieve the benchmarks set by the new regulation. In many ways, it is business as usual for our sector which has an already high bar for major design and construction works.

However, NECA believes some of the changes proposed by the regulation specific to the electrotechnology industry will drive unnecessary costs for consumers and challenge the sector to continue delivering “bread and butter” electrical works that have been designed and performed by licensed electricians for more than 100 years.

We would sincerely ask the Department reconsiders the thresholds, definitions and most importantly qualifications needed to perform low and medium rise electrical design. The makeup of our sector and the enormous pipelines of major building and infrastructure works means there is simply not the resources nor interest from practitioners with an associate degree or diploma to perform the smaller scale design works captured by the proposed regulation. As stated above, these are works traditionally designed and implemented by licenced electricians with a Certificate III trade qualification. We are not aware of any safety issues nor any structural defects which have caused significant damage to buildings arising as a result of inadequate electrical design where the design has been carried out by a licensed electrician. Technical electrical design is an integral part of the Certificate III electrician trade and as it is part of the licensed trade, correct application is already regulated.

Upskilling from a Certificate III to associate degree or diploma requires two years full time study. Existing electrotechnology businesses performing small and medium rise work do not have people with these qualifications on the books and do not have the resource to offer this type of upskilling to their existing electricians.

Home owners undertaking renovations or purchasing new low and medium rise developments will be the ultimate losers through inflated costs and building delays due to the catch-all nature of the proposed regulation.

We would welcome the opportunity to sit down with the Department and provide further practical examples where this regulation will create unnecessary hardship and cost for home owners. Please refer to our specific comments on the parts and schedules of the regulation requiring further consideration on behalf of the electrotechnology sector.



Part 2 – Regulated Types of Design Work

Division 3: Building work

13. Certain work excluded from being building work

NECA strongly supports electrical repair work, and electrical works necessitated by building renovations, being excluded under 13.(1)(d) and 13.(1)(e).

In its responses to concept papers circulated for comment by the Department, NECA emphatically advocated the threshold for such works should be increased from the \$5,000 proposed in those papers to \$100,000.

NECA notes the threshold remains set at \$5,000 in the draft Regulation and in the *Home Building Act 1989* referenced at Clause 13.(1)(f) of the draft Regulation.

We **reiterate our recommendation this be increased to \$100,000 prior to the Regulation taking effect** to reflect a more realistic application to the types of work the regulation covers and the value of these works as part of building and construction projects.

14. Certain work excluded from being professional engineering work

See NECA's response to Clause 14 of Part 2, Division 3 (*above*).

Part 7 – Record Keeping

73. Record keeping generally

NECA understands the rationale for requiring records to be kept for 10 years (for example, owing to the extension of duty of care provisions) as proposed at 73.(4) of the draft Regulation. However, while we see the purpose of this requirement, we make the observation that compliance is likely to prove onerous having regard to record keeping, filing and storage of documents (physically or electronically) for such a lengthy period.

Schedule 1 – Classes of Registration

Part 2: Description of work

Division 1 – Design Practitioners

10. Design practitioner – electrical design (restricted)

NECA supports the criteria for practitioners for electrical design on a restricted basis.

NECA **insists** the “relevant qualification” for an electrical licence (10.(2)), in line with nationally accepted practice, is the Certificate III – Electrotechnology, which incorporates suitable training



to adequate standards in designing, installing and verifying compliance and functionality of general electrical installations.

The requirement at 10.(2) for Associate Degree or Diploma-level qualifications for electricians to perform these works will be unworkable, as most licensed electricians do not hold qualifications at this level; acquiring such qualifications would require a further two years of full-time study, over and above the requirements of completing the Certificate III – Electrotechnology, to comply.

NECA submits that Associate Degree or Diploma-level qualifications, as outlined in this clause, are not necessary for the completion of electrical works in the context of the draft Regulation.

Schedule 2 – Qualifications, Experience, Knowledge and Skills

Part 3: Design Practitioners

10. Design practitioner – electrical design (restricted)

Clause 10.(1) should be amended to stipulate the qualification for a licensed electrician is the Certificate III – Electrotechnology.

For the purposes of such a definition, references to Associate Degrees, Diplomas, the Sydney Accord and the Dublin Accord should be omitted.