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Ms Ainslie Barron
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Department of Energy and Public Works
Floor 15, 53 Albert Street,
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ATTENTION: Ministerial Construction Committee Secretariat

VIA EMAIL: OADG.BP@epw.qld.gov.au

Dear Ainslie,

REVIEW OF THE TECHNICAL QUALIFICATIONS FOR LICENSING DOCUMENT

I refer to the recent request for feedback from the MCC regarding the review of the Technical Qualifications for Licensing document (TQL document).

We propose a number of recommended changes to the TQL document as follows:

(1) Change of licence type applications

Recommendation

The TQL document is amended to state that the possession of a nominee supervisor licence is a technical qualification for a contractor licence in the same licence class. And conversely, the possession of contractor licence is a technical qualification for a nominee supervisor licence in the same licence class.

Background

The QBCC licensing system provides for contractor and nominee supervisor licences for each class of licence. A contractor licence is both a business and technical licence, whereas a nominee supervisor licence is principally a technical licence.

The technical qualifications prescribed in the TQL document for a contractor and a nominee supervisor licence are in all instances the same for each class of licence. This is because the technical knowledge required to competently perform the work under each licence type is the same.

To accommodate changes in their work situation, licensed individuals (not companies) commonly make applications to the QBCC to change their licence type from a contractor licence to a nominee supervisor licence and vice versa.

About 2 years ago the QBCC changed its operational interpretation of the TQL document and ceased to recognise an applicant's existing nominee supervisor's licence or contractor's licence as a technical qualification for a change of licence type application. This change in operational practice resulted in many licensees being disadvantaged.

Master Builders supports the TQL document being amended to expressly recognise the possession of a nominee supervisor licence or a contractor licence as a technical qualification for a change of licence type application.

Factors supporting Master Builders position include the following.

- For 25 years (until the recent change in operational practice by the QBCC) licensees have been able to rely on the possession of their current licence as a technical qualification for changing their licence type. Master Builders is not aware of any case where this has caused harm to the public or resulted in defective building work.
- The current approach leads to the ludicrous situation where the holder of a nominee supervisor builder licence is considered technically qualified to supervise the construction of a building by a licensed company but is not considered technically qualified to hold a contractor licence to build and supervise even the most basic type of construction (e.g. a timber fence).
- QBCC has informed licensees for more than two decades (it's still on the relevant licence application form) that they can rely on their existing licence as a technical qualification to transfer between licence types in the same class of licence. Licensees have relied on this advice and are now being unfairly prejudiced.

(2) Recognition of older qualifications – Builder class applications

Recommendation

The TQL document is amended to state that, for a Parts 4-6 Builder class licence, possession of a superseded technical qualification is a technical qualification for a contractor or nominee supervisor licence if both of the following apply:

- (1) the superseded qualification was completed in the last 10 years; and
- (2) the superseded technical qualification was previously recognised as a technical qualification for the licence being applied for.

Background

Under the QBCC Regulation, applicants for a builder class contractor or nominee supervisor licence are required to demonstrate that they have experience in the full scope of work of the licence class. The legislation provides that the experience must be for a minimum of 2 or 4 years (depending on the technical background of the applicant).

However, the length of time to gain the necessary experience can take much longer than this. For example, an applicant for an open builder class licence must demonstrate experience in constructing all classes of building (i.e. from high rise through to single dwellings). This cannot be achieved in 4 years and can take up to 10 years. Applicants for a Builder low rise or medium rise class licence often find they need well in excess of 5 years to gain the broad range of experience needed to make a successful licence application.

The challenge for these applicants is that if the technical qualifications are changed and become superseded while they are gaining their experience, their now superseded technical qualifications are no longer recognised for the purposes of a licence application. The likelihood that this situation will occur is exacerbated by the fact that QBCC requires experience to be obtained <u>after</u> the prescribed technical qualification is completed.

To address this situation, Master Builders asks that the TQL document be amended to recognise a superseded technical qualification for a builder class licence if it was obtained in the last 10 years. This will allow a reasonable time for applicants to obtain the necessary experience needed for a builder licence and prevent an unfair barrier to entry into the building industry.

(3) Recognition of superseded units of competency

Recommendation

The TQL document is amended for those licence classes that prescribe the completion of a specific unit of competency to include the completion of a superseded unit to that prescribed, provided the superseded unit was completed in the last 10 years.

Background

Specific units of competency are prescribed in the TQL document as a technical qualification for many classes and types of licence, including as part of a full qualification for a licence.

However, it is very common for these individual units to be superseded and replaced by new units. The result is that applicants in the process of completing a full technical qualification, or gaining experience before making a licence application, can find themselves in the unfortunate position of having their technical qualification not recognised under the TQL document. The above recommendation is intended to address the unfairness of this situation.

(4) Equivalency assessments for alternate qualifications

Recommendation

The TQL document is amended to give guidance to QBCC to decide whether an applicant's qualification is equivalent to the prescribed current qualification for a licence. Specifically, it is submitted that the TQL document should require the QBCC to have regard to:

- (a) whether the applicant's alternate or superseded qualification provides the necessary skills and knowledge to competently carry out the scope of work for the licence; and
- (b) whether the applicants alternate or superseded qualification, combined with any completed CSQ funded or government recognised professional development training, provides the necessary skills and knowledge to competently carry out the scope of work for the licence.

Background

For most licence classes, the TQL document prescribes the most recent relevant course under the Australian Qualifications Framework as the prescribed technical qualification for the licence. For a licence applicant who has not completed the most recent course, the TQL document allows the QBCC to satisfy itself that the applicant meets the technical requirements for the licence if the applicant has completed a course (or competencies from a course) that QBCC "considers is at least equivalent" to the prescribed course.

Currently, the equivalency assessment is made without regard to the scope of work of the licence and in essence is exclusively based on whether the course is equivalent from a registered training organisation perspective.

Master Builders submits that the equivalency test provided in the TQL document should be amended to require QBCC to make its assessment having regard to whether the course completed by the applicant (combined with any other recognised training, if any) provides the equivalent skills and knowledge needed to competently carry out the scope of work for the licence.

The recommended approach better aligns the equivalency assessment by the QBCC with the purposes of the licensing system. It would also widen the pool of applicants (particularly trade applicants) who can satisfy the technical requirements for a licence without the risk of compromising the quality of building work in the community.

(5) Technical pathway for former licensees who have surrendered their licence

Recommendation

The TQL document is amended to state that a surrendered contractor or nominee supervisor licence is a technical qualification for a licence if the following apply:

- (a) the licence was surrendered in the last 10 years; and
- (b) The licence being applied for is in the same class of licence as the surrendered licence.

Background

Section 50C of the QBCC Act allows a licensee, with the consent of the QBCC, to surrender their licence. Circumstances where licensees may decide to do this include the following:

- they commence work as an employee for a licensed builder
- they commence work as a subcontractor or employee for a licensed trade contractor
- they pursue a related building occupation that does not require a QBCC Act licence (e.g. a building certifier)
- they leave the industry due to extended illness or injury.

At times these former licensees, some of whom may have had decades of experience as a licensed contractor or nominee supervisor, seek to return to the industry. Unfortunately, they typically find themselves in the situation where they cannot readily regain their licence as their technical qualifications have become superseded.

This recommendation is intended to assist these technically skilled individuals to re-enter the industry more easily.

(6) Expanded technical qualification options

Recommendation

The TQL document is amended to include a wider range of acceptable formal technical qualifications, particularly for Parts 33, 41 and 55 licences.

Background

Members have advised that accessing some technical qualifications listed in the TQL document can be particularly challenging due to the relevant registered training organisations infrequently delivering the qualification.

Identified licence classes where this is a problem include:

- Part 33 Fire safety professional licence
- Part 41 Non-structural metal fabrication and installation licence
- Part 55 Swimming pool construction, installation, and maintenance licence.

To address this issue, it is suggested consideration be given to widening the acceptable technical qualifications for these licence classes. If this is accepted, Master Builders would be happy to work with the Department to identify suitable alternatives.

(7) Formatting of TQL document

I understand that officers from your Department and Master Builders recently met to discuss potential options to improve the format of the TQL Document. I would encourage you to consider our written submissions and comments made at the meeting.

Thank you for the opportunity to comment on the review.

Regards,

Paul Bidwell CEO