ABCB

Continuing professional development on the NCC and ethics

Model guidance on BCR recommendation 3

2021

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Preface

The [Building Confidence Report](#) (BCR), published in April 2018, made 24 recommendations to Building Ministers to address systemic issues in the Australian building industry. Building Ministers established the BCR Implementation Team within the Office of the Australian Building Codes Board (ABCB) to work with governments and industry to respond to the recommendations with a focus on national consistency where possible.

The BCR Implementation Team's work aims to establish national best-practice models in response to BCR recommendations. If implemented, the responses will strengthen compliance with the National Construction Code (NCC), better protecting the interests of people who own, work in, live in and use Australian buildings.

All responses to BCR recommendations have been developed in accordance with the [Building Confidence National Framework](#) with input from industry and governments. Figure 1 lists the outputs developed under the Framework and where to find them.

State and territory governments have agreed to consider implementation of all BCR endorsed responses. This process will take time depending on each government's regulatory reform agenda, and may be undertaken in stages.

The model guidance for *continuing professional development* (*CPD*) on the *NCC* and ethics represents a nationally agreed response to BCR recommendation 3. This recommendation states "that each jurisdiction requires all practitioners to undertake *compulsory continuing professional development (CCPD)* on the *National Construction Code (NCC)*".

Four principles are outlined in the model guidance and they are targeted at those practitioners listed in the [National Registration Framework for building practitioners](#) (NRF). The principles are broadly based on existing *CPD* requirements, existing *CPD on the NCC* as well as government and industry-led schemes where appropriate. Government and industry stakeholders have had substantial input into this model guidance through a publicly available [discussion paper](#).

Defined terms used in this document are shown in italics. The definitions can be found in the [Building Confidence Glossary](#).

Figure 1 Building Confidence Implementation Framework - Outputs

Registration and training

Nationally consistent initial and on-going registration of building practitioners incorporating training, education and experience, to strengthen implementation of the NCC.

National Registration Framework

Evidence of experience for building surveyor registration

Continuing professional development on the NCC and ethics

NCC CPD

Building surveyor integrity

Standards of behaviour for building surveyors performing statutory functions to improve accountability and transparency, and to manage expectations of building practitioners and consumers.

Building surveyor integrity and their role in enforcement

Code of conduct for building surveyors

Fire safety

Better integrate fire safety into design, construction and certification processes to lift compliance outcomes.

Code of conduct for fire safety engineers

Fire authorities in the building approval process

Fire safety systems

Regulatory oversight

Improve regulator collaboration, ensure regulators have powers to enforce compliance with building laws, and provide transparency for industry.

Building regulator collaboration

Building regulator powers

Auditing and compliance

Design, construction and certification

Reduce non-compliance with a robust and transparent system of inspection and certification throughout the building approval process.

Design acceptance

Independent third-party review

Mandatory inspections

Building product safety

Information sharing

Enable better access to building data for regulators and building owners, and improve understanding of building and plumbing terminology.

Data sharing MOU

Building manuals

Building Confidence Glossary

Standards Australia's Construction dictionary

Next Steps

Implementation by state and territory governments

Governments have agreed to consider implementation of the responses. Contact the building authority in your jurisdiction for information on progress.

Each of the outputs listed in Figure 1 can be accessed from the ABCB website.

Contents

Adoption of model guidance

As a model, this guidance does not have any force until adopted by a jurisdiction. States and territories may have regard to the content of the model. This may include amending or adopting the model for application in their jurisdiction.

The model guidance needs to be read in conjunction with the relevant legislation in a jurisdiction. It is written in generic terms and is not intended to override legislative requirements.

Purpose

Consistent with the objective of BCR recommendation 3, the purpose of the model guidance is to improve practitioner competency on the *NCC*, increase *NCC* compliance, increase the integrity of practitioners and improve outcomes for consumers.

The model guidance has been developed to assist:

- Governments establishing or amending *CPD schemes* to require *CCPD* on the *NCC* and *CPD* on ethics to be undertaken by practitioners.
- *CPD scheme administrators* amending their *CPD schemes* to require *CPD on the NCC* and *CPD* on ethics to be undertaken by practitioners.
- Governments and *CPD scheme administrators* effectively integrate *CPD on the NCC* and *CPD* on ethics into *CPD schemes*.
- Governments, *CPD providers* and *CPD scheme administrators* to develop and/or determine appropriate *CPD on the NCC* and *CPD* on ethics for practitioners.

To fulfil the purpose of the model guidance it is expected that jurisdictions, and industry associations (relevant to practitioner disciplines identified in the NRF) would have regard to the content of this model guidance for *CPD on the NCC* and *CPD* on ethics.

The model guidance outlines 4 principles to help achieve this purpose. Principle 1 outlines legislative provisions for governments and recommendations for both *CPD providers* and *CPD scheme administrators.* Principles 2, 3 and 4 outline legislative provisions for governments and recommendations for *CPD scheme administrators*.

The separation of recommendations for governments, *CPD providers* and *CPD scheme administrators* recognises the responsibility for delivering *CPD* is shared. It also accounts for the different administrative models associated with *CPD* delivery.

The 4 principles aim to deliver improved *NCC* compliance, increased *practitioner* competency, reduced poor and unsafe practices and improved building outcomes for consumers.

An additional benefit of this model guidance, if implemented in a coordinated and nationally consistent way, will be recognition of *CPD* between jurisdictions and the facilitation of Automatic Mutual Recognition (AMR). It will mean that *CPD on the NCC*

and *CPD* on ethics undertaken in one jurisdiction could be recognised in other jurisdictions, which will assist with the operation of [AMR](#).

The following matters are outside of the scope of the model guidance:

- Whether or not *CPD on the NCC* and *CPD* on ethics must be integrated into existing or new *CPD schemes.*[1]

- Approving specific *CPD providers.*

- Assessing or approving specific *CPD on the NCC* and *CPD* on ethics*.*

- Assessing or approving the suitability of *CPD schemes* to deliver *CPD on the NCC* and *CPD* on ethics.

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[1] Anecdotal evidence suggests that incorporating *CPD activities* completed as part of a *CPD schemes* requirements produce better outcomes compared to stand-alone completion of a *CPD activity*.

Background

BCR recommendations 1, 2 and 3

Recommendations 1 and 2 of the BCR propose the registration of key building practitioners involved in the design, construction and maintenance of buildings. They also propose each jurisdiction prescribe consistent registration requirements covering knowledge of the *NCC*, competency and experience, insurance and financial viability, and integrity.

The NRF has been developed in response to these 2 recommendations. The NRF provides a consistent, high-level framework for registration of core building-related occupations as a first step towards implementing recommendations 1 and 2 of the BCR. The BCR occupations, competencies and levels of registration provide a national framework and will assist in determining whether building occupations are equivalent between states and territories. The NRF practitioner disciplines are listed below.

- Architect
- Building designer
- Geotechnical designer
- Structural designer
- Electrical designer
- Mechanical designer
- Plumbing designer
- Fire systems designer
- Fire safety designer
- Disability access consultant
- Energy efficiency consultant
- Builder (individual)
- Plumber
- Fire systems installer
- Building surveyor
- Project manager.

BCR recommendations 1 and 2 recognise that knowledge of the *NCC* must be a prerequisite to entering the industry and gaining registration prior to practicing.

However, "*large numbers of practitioners operating in the industry either lack competence, do not property understand the NCC and/or have never had proper training on its implementation*"[2].

The NRF aims to address this deficiency by setting out basic registration requirements (qualifications, experience) for each occupation and a separate requirement for *NCC* Accreditation relevant to the occupation. The NRF requires practitioners to demonstrate that they have acquired adequate *NCC* competency through their base education, or have undertaken further training to develop the necessary *NCC* competency.

BCR Recommendation 3 aims to ensure that practitioners' knowledge, skills and experience in their use and understanding of the *NCC*, is maintained <u>after</u> the attainment of *NCC* Accreditation, as required by the NRF. This aligns with the intent and definition of *CPD* in the BCR. Maintaining *NCC* competence must be a standard *CPD* requirement for all registered construction industry practitioners.

In developing responses to all BCR recommendations, the topic of ethics was consistently raised by governments, stakeholders and working groups. Ethics influences every part of the building and construction process, and fundamentally contributes to a building's compliance with legislation. Ethics features in many BCR responses including those relating to model codes of conduct, declarations and certificates, and specifically model guidance concerning the integrity of building surveyors. Accordingly, mandatory ethics *CPD* has been included in response to BCR recommendation 3.

The specific details of *NCC* Accreditation will be worked through as part of further work on the NRF, however, it is anticipated the training course(s) required to obtain *NCC* Accreditation for a practitioner already registered could be through a *CPD activity*. The model guidance does not address this initial training.

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[2] Shergold and Weir, Building Confidence Report, February 2018, p3.

CPD for practitioners

There are *CCPD* requirements for some building practitioners identified in the [NRF](#) in some jurisdictions, for example in Tasmania.[3,4] In other jurisdictions, there are proposals to expand existing *CCPD* requirements to additional practitioners covered by the [NRF](#) or plans to introduce *CCPD* requirements for the first time.

There are numerous industry association-led *CPD schemes*[5] and these industry associations are the *CPD scheme administrators*. Industry-led schemes are currently both voluntary and mandatory for their members depending on the scheme. A reference to an industry-led scheme in a jurisdiction's legislation can mean that an industry-led scheme may become one method of meeting a *CCPD* requirement. For example, in NSW, building surveyors can meet the *CCPD* requirements by satisfying the *CPD scheme* requirements of specified industry association-led *CPD schemes*[6]. The model guidance has been developed with this co-regulatory approach in mind.

CPD providers[7] are usually accredited or approved by individual *CPD scheme administrators* to ensure the development and/or provision of *CPD activities* or *CPD content* is appropriate.

Many *CPD schemes* have mandatory content areas for *practitioners* to ensure holistic educational outcomes. Across all schemes, typical content areas include business skills, safety skills, trade skills and professional skills.

CPD on the NCC[8] and *CPD* on ethics could fall under 'trade skills' or 'professional skills' depending on the practitioner discipline.

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[3] [Occupational Licensing (Building Services Work) Determination 2019.](#)

[4] The Tasmanian government is an example of a government *CPD scheme administrator*.

[5] These include the Australian Institute of Building Surveyors (AIBS) *CPD scheme*, the Australian Institute of Building (AIB) *CPD scheme*, the Australian Institute of Architects (AIA) *CPD scheme* and the Engineers Australia (EA) *CPD scheme*

[6] [NSW Certifiers CPD Guidelines](#).

[7] For example, the ABCB is a government *CPD provider*, Master Builders Tasmania is an industry *CPD provider* and Technical and further education (TAFE) NSW is an Registered Training Organisation(RTO) *CPD provider*.

[8] Note: The term '*CPD on the NCC*' captures *CPD* that is produced by the ABCB on the *NCC* as well as *CPD activities* with content on the *NCC* developed by others.

Acronyms

The following acronyms are used in this document:

ABCB   Australian Building Codes Board

AIA   Australian Institute of Architects

AIB   Australian Institute of Building

AIBS   Australian Institute of Building Surveyors

AMR   Automatic Mutual Recognition

BCR   Building Confidence Report

CCPD   Compulsory Continuing Professional Development

CPD   Continuing Professional Development

NCC   National Construction Code

NRF   National Registration Framework

PSS   Professional Standards Scheme

RTO   Registered Training Organisation

TAFE   Technical and Further Education

Principles

Principles for CPD on the NCC and ethics	
1	CPD on the NCC meets minimum standards for content development and delivery
2	Each year practitioners undertake CPD on the NCC and CPD on ethics
3	Evidence and records of CPD on the NCC and CPD on ethics are required by governments and CPD scheme administrators
4	CPD on the NCC and CPD on ethics are audited and enforced

Principle 1 - Minimum standards for CPD on the NCC

CPD on the NCC meets minimum standards for content development and delivery

Objective

To ensure all *CPD on the NCC* is relevant and meets minimum standards for content development and delivery. This will ensure practitioners undertaking *CPD on the NCC* are provided with relevant and appropriate education materials to improve their understanding and application of the *NCC*.

Context

Many stakeholders reported that the quality and relevance of *CPD* often varies. It is recognised that a requirement to undertake *CPD* is a time and financial investment for practitioners and those administering it. Therefore, *CPD on the NCC* should meet minimum standards to help ensure that the overall objective of undertaking the *CPD* is achievable. Minimum standards for content development and delivery of *CPD on the NCC* are discussed in the following sections.

Content delivery

CPD activity types

There are many different types of *CPD activities* but not all are appropriate for *CPD on the NCC*. In addition, *CPD scheme administrators* use different terminology for *CPD activities*. Some common terms used for *CPD activities* include structured/un-structured, or formal/informal.

In general, structured/formal activities are activities that recognise the importance of ensuring learning outcomes are clear and achievable, and enable the practitioner to provide evidence to a registration body or *CPD scheme administrator.* This means these activities typically have a defined learning outcome(s), have structured learning content and usually, but not always, require the completion of an assessment.

Un-structured/informal activities are typically more relaxed and commonly include attending industry meetings or undertaking private/individual study. They generally do

not have a defined learning outcome(s), do not have structured learning content and do not require completion of an assessment.

Consequently, structured/formal activities are often weighted higher than un-structured/informal activities when calculating an activities' contribution to an individual's *CPD* requirement. Therefore *CPD on the NCC* should primarily be delivered to, and undertaken by practitioners, through structured/formal activities.

Delivery method

The method in which a *CPD activity* is delivered does not suit all practitioners' learning styles, level of formal education, geographic location and access to technology. Targeting the method of delivery of *CPD on the NCC* can help ensure practitioner outcomes are achieved. Practitioner preferences for method(s) of delivery of *CPD on the NCC* should be checked through surveys and consultation, or captured through a feedback loop as discussed as part of this principle.

Content development

Clear purpose

The purpose of any *CPD on the NCC* should be clearly defined so that individual practitioners understand how the education may be relevant to them and how they are likely to benefit from undertaking it. For example, the purpose of specific *CPD on the NCC* may be improvement in knowledge on a particular topic such as understanding recent changes to the *NCC* Volume One energy efficiency provisions so they can be applied correctly to all new commercial buildings.

Targeted

Different practitioners need to understand different parts of the *NCC* to undertake their roles effectively and to help ensure an *NCC* compliant building is delivered through the building approval, construction and certification process. Therefore the *CPD content* of *CPD on the NCC* should be targeted and relevant for the different practitioners.

For example, plumbers need to know different parts of the *NCC,* compared to building surveyors. Plumbers would likely require a detailed knowledge specifically of *NCC*

Volume Three and its referenced documents including the AS/NZS 3500 series of plumbing standards. Building surveyors should have a broad understanding of all three volumes of the *NCC* given their broad building approval role. The *CPD content* should reflect this difference.

In addition, it may be necessary to target and contextualise the content of *CPD on the NCC* to practitioners that work in specific jurisdictions.

Mitigating risks, and using evidence and data

CPD on the NCC should aim to improve knowledge and mitigate risks that have been identified. These may include commonly known *NCC* non-compliances and misinterpretations, or knowledge gaps in the areas where practitioners overlap in their roles and responsibilities. This is consistent with the approach used by [Professional Standards Schemes](#) (PSS) to develop *CPD.*

Emerging risks within the building and construction industry can be identified through stakeholder feedback, the outcomes of auditing and enforcement by governments, and the auditing and enforcement processes used by *CPD scheme administrators*. Refer to Principle 4.

Other sources could include data captured by industry associations and governments on new and emerging risks. Litigation, complaints records, discussions on social media and media reporting may also play a role in determining development of *CPD on the NCC*.

Consultation-based

CPD activities can be developed and reviewed by panels of experts, or approved for use by government. Other *CPD activities* can be created with limited input from stakeholders as there may be limited scope on how the *CPD content* can be developed. Requiring *CPD on the NCC* to be developed in consultation will stakeholders can improve and help ensure the quality of the *CPD content*.

Undertaking consultation with industry and government during development of *CPD on the NCC* will help ensure it:

- includes correct and consistent *NCC* interpretations

- will be relevant and effective for practitioners, and
- meets the needs of government(s).

Up-to-date content

The *NCC* is amended every 3 years or as agreed by governments. Typically, new or amended referenced documents are included in each new edition of the *NCC. CPD on the NCC* therefore needs to be reviewed regularly to remain current.

Typically *CPD on the NCC* must be relevant to:

- the current[9] edition of the *NCC,* including its referenced documents, or
- changes proposed to the next edition of the *NCC*.

The current *NCC* edition's content and terminology (i.e. *NCC* defined terms) should be used as the basis for the *NCC* content, or the proposed changes for the next edition of the *NCC* should be used. *CPD on the NCC* should clearly communicate to stakeholders which version of the *NCC* formed the basis of the content by linking it to the current or next proposed edition of the *NCC.*

Once the *NCC* is amended (either 3-yearly or out-of-cycle), and/or a new or amended version of a referenced document is called up by the *NCC*, the affected *CPD on the NCC* should be amended as soon as reasonably practicable.

If a *CPD pr*ovider becomes aware that an aspect of their *CPD on the NCC* is out-of-date, the provider should incorporate a notice to practitioners to warn them of this until the *CPD on the NCC* has been updated. This would not preclude the *CPD on the NCC* from being completed by practitioners, but will ensure practitioners are aware of any potential discrepancies between the *CPD on the NCC* and the current edition of the *NCC*.

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[9] The current edition of the *NCC* is the version of the *NCC* that is in effect in each jurisdiction.

Feedback loop

Incorporating a feedback loop, such as a practitioner evaluation into *CPD on the NCC* can help governments, *CPD administrators* and/or *CPD providers* to collect important information.

This information could be data and evidence from practitioners about potential risks in the building and construction industry. This could be used to inform future *CPD on the NCC* content so these risks can be mitigated.

The information collected can also be used to improve the relevance and effectiveness of the *CPD* being undertaken, such as improved assessment questions and preferred delivery methods.

Legislative provisions for governments

It is recommended governments only recognise *CPD on the NCC* that:

1. Has a method of delivery that is:

    a. through *CPD activity* types listed in Has a method of delivery that is:

    a. through *CPD activity* types listed in **Error! Not a valid bookmark self-reference.**; and

    b. suitable for the specific type of practitioner.

2. Has a clearly stated purpose.

3. Is targeted at a specific practitioner discipline(s).

4. Is developed:

    a. to mitigate known risks;

    b. using evidence and is informed by data such as that contained in Appendix A; and

    c. in consultation with wider industry and governments.

5. Uses up-to-date *NCC* content and terminology and is relevant to a specific *NCC* edition.

6. Includes a feedback loop.

    b. Table 1; and

    c. suitable for the specific type of practitioner.

2. Has a clearly stated purpose.

3. Is targeted at a specific practitioner discipline(s).

4. Is developed:

    a. to mitigate known risks;

    b. using evidence and is informed by data such as that contained in Appendix A; and

    c. in consultation with wider industry and governments.

5. Uses up-to-date *NCC* content and terminology and is relevant to a specific *NCC* edition.

6. Includes a feedback loop.

Recommendations for CPD scheme administrators

It is recommended *CPD scheme administrators* only recognise *CPD on the NCC* that:

1. Has a method of delivery that is:

    a. through *CPD activity* types listed in Has a method of delivery that is:

    a. through *CPD activity* types listed in **Error! Not a valid bookmark self-reference.**; and

    b. suitable for the specific type of practitioner.

7. Has a clearly stated purpose.

8. Is targeted at a specific practitioner discipline(s).

9. Is developed:

    d. to mitigate known risks;

    e. using evidence and is informed by data such as that contained in Appendix A; and

    f. in consultation with wider industry and governments.

10. Uses up-to-date *NCC* content and terminology and is relevant to a specific *NCC* edition.

11. Includes a feedback loop.

    b. Table 1; and

    c. suitable for the specific type of practitioner.

2. Has a clearly stated purpose.

3. Is targeted at a specific practitioner discipline(s).

4. Is developed:

    a. to mitigate known risks;

    b. using evidence and is informed by data such as that contained in Appendix A; and

    c. in consultation with wider industry and governments.

5. Uses up-to-date *NCC* content and terminology and is relevant to a specific *NCC* edition.

6. Includes a feedback loop.

Recommendations for CPD providers

It is recommended *CPD providers* only produce *CPD on the NCC* that:

12. Has a method of delivery that is:

    a. through *CPD activity* types listed in **Error! Not a valid bookmark self-reference.**; and

    b. suitable for the specific type of practitioner.

13. Has a clearly stated purpose.

14. Is targeted at a specific practitioner discipline(s).

15. Is developed:

    g. to mitigate known risks;

    h. using evidence and is informed by data such as that contained in Appendix A; and

    i. in consultation with wider industry and governments.

16. Uses up-to-date *NCC* content and terminology and is relevant to a specific *NCC* edition.

17. Includes a feedback loop.

Table 1 Types of CPD activities for CPD on the NCC

CPD activity	Description
University education	• Includes formal real-time connected education[see Note 1], distance education, and short courses provided by a university • Typically provided as a unit/component on the *NCC* • Usually includes an assessable component • Includes degree, postgraduate research or diploma, and courses or units undertaken on a semester basis or part-time basis • Example: Courses provided by a university on the Building Code of Australia[10]
Vocational education	• Includes formal real-time connected education[see Note 1], distance education and short courses on the *NCC* delivered by TAFE or a Registered Training Organisation (RTO). • Typically provided as a unit/component on the *NCC* • Undertaken on a full-time or part-time basis • Usually includes a formal assessable component • Example: TAFE NSW provides a short online course on reading plans and specifications and applying codes and standards[11]
Seminar, webinar, conference or workshop	• Seminars, webinars, conferences and workshops provided by an industry association or government body • Includes real-time connected education[see Note 1], pre-recorded seminars, conferences or workshops. • Examples: Seminars run by the ABCB[12] or a government body such as the Victorian Building Authority on changes to the *NCC* or the Construct NSW Digital Learning Platform, workshops or conferences run by an industry association (Housing Industry Association runs workshops on *NCC* referenced documents[13]), and the *NCC* Symposium run by AIBS
Industry or government education	• Formal education on the *NCC* provided by an industry association or government body • Real-time connected education[see Note 1] and short courses

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[10] University of Technology Building regulation courses
[11] TAFE NSW Reading plans and specifications and applying codes and standards
[12] ABCB NCC Seminars
[13] HIA Timber Framing Code training

CPD activity	Description
	• Example: *NCC CPD*[14]
	• These activities typically involve some formal assessment
Structured on-the-job training	• A structured program agreed between a practitioner and another party
	• Details of the program would need to be provided including objectives, activities, timeline and content on the *NCC* that will be covered
	• This document would need to indicate completion date and be signed off by the building practitioner and the other party

Notes:

1. Real-time connected education means a delivery method whereby the instructor and student are interacting at the same time. Real-time connected education includes face-to-face education and real-time online education.

2. It is considered that hours claimable towards a *CPD* requirement would only be for the duration of the activity that covers the *NCC.* This means time associated with lunch, preparation, travel, discussions, meetings or presentations on non-*NCC* related-matters would not be included.

3. As stated in the Building Confidence Glossary, the term '*NCC*' includes *NCC* referenced documents such as Australian Standards.

4. Other than *NCC CPD*, examples of *CPD on the NCC* should not be interpreted as endorsement of these activities by the ABCB.

Further comment

In response to stakeholder feedback on the discussion paper, the 5 types of *CPD activities* listed in Has a method of delivery that is:

a. through *CPD activity* types listed in **Error! Not a valid bookmark self-reference.**; and

b. suitable for the specific type of practitioner.

18. Has a clearly stated purpose.

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[14] ABCB NCC CPD

19. Is targeted at a specific practitioner discipline(s).

20. Is developed:

      j.   to mitigate known risks;

      k. using evidence and is informed by data such as that contained in Appendix A; and

      l.   in consultation with wider industry and governments.

21. Uses up-to-date *NCC* content and terminology and is relevant to a specific *NCC* edition.

22. Includes a feedback loop.

Table 1 are considered appropriate for *CPD on the NCC* for all practitioner disciplines.

It should be noted that there may be difficulties defining and verifying learning outcomes from structured on-the-job training. This means consideration will need to be given, by governments mandating *CPD on the NCC* and *CPD scheme administrators*, as to how specific structured on-the-job training for *CPD on the NCC* is verified.

Stakeholders suggested allowing other types of *CPD activities* for *CPD on the NCC* for certain practitioners. These have not been included in Has a method of delivery that is:

      a. through *CPD activity* types listed in **Error! Not a valid bookmark self-reference.**; and

      b. suitable for the specific type of practitioner.

23. Has a clearly stated purpose.

24. Is targeted at a specific practitioner discipline(s).

25. Is developed:

      m. to mitigate known risks;

    n. using evidence and is informed by data such as that contained in Appendix A; and

    o. in consultation with wider industry and governments.

26. Uses up-to-date *NCC* content and terminology and is relevant to a specific *NCC* edition.

27. Includes a feedback loop.

Table 1 due to the varying types of *CPD activities* and without knowing the specifics of the content and delivery of individual activities, it is not possible to list all variations of *CPD on the NCC*. Instead, governments[15] should consider the suitability of alternative *CPD on the NCC* activities to those listed in Has a method of delivery that is:

    a. through *CPD activity* types listed in **Error! Not a valid bookmark self-reference.**; and

    b. suitable for the specific type of practitioner.

28. Has a clearly stated purpose.

29. Is targeted at a specific practitioner discipline(s).

30. Is developed:

    p. to mitigate known risks;

    q. using evidence and is informed by data such as that contained in Appendix A; and

    r. in consultation with wider industry and governments.

31. Uses up-to-date *NCC* content and terminology and is relevant to a specific *NCC* edition.

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[15] Governments, rather than industry *CPD scheme administrators* should make these decisions for practitioners that are mandated to complete *CPD on the NCC*.

32. Includes a feedback loop.

Table 1, on a case-by-case basis, including whether weightings are warranted.

Compulsory *CPD on the NCC* and compulsory *CPD* on ethics are discussed as part of the next principle. Minimum standards for content development and delivery for *CPD* on ethics has not been included in the model guidance. Similarly, minimum standards to those specified for *CPD on the NCC* could be applied, if considered necessary by governments and/or *CPD scheme administrators*.

The BCR Expert Panel recommended all *CPD*, including *CPD on the NCC* have embedded ethical content to contextualise and instil ethical practices in practitioner's day-to-day work. This is a matter that governments and/or *CPD scheme administrators* may wish to consider further.

To assist governments and industry with future development of *CPD on the NCC*, data sources identified by stakeholders that could be used to inform *CPD content* have been summarised in Appendix A.

Principle 2 - Mandatory CPD on the NCC and ethics

Each year practitioners undertake CPD on the NCC and CPD on ethics

Objective

To improve integrity and maintain *NCC* competency in the understanding and application of the *NCC*, by specifying a minimum amount of *CPD on the NCC* and *CPD* on ethics that should be undertaken by practitioners. This will help ensure all practitioners have up-to-date knowledge of the *NCC*, how to apply it and improve ethical behaviour in the building and construction industry.

Context

To satisfy the relevant BCR recommendations, all practitioner disciplines identified in the NRF should complete *CPD on the NCC* and *CPD* on ethics each year.

Ethics are moral principles that govern a person's behaviour or the conduct of an activity. Instilling and upholding ethical behaviours is a fundamental component of PSSs, codes of conducts and is typically a compulsory or recommended *CPD* topic for numerous professions and *CPD schemes*. In addition, the integrity of practitioners underpins many of the BCR recommendations.

Together, *CPD on the NCC* and *CPD* on ethics will help increase the number of *NCC* compliant buildings, reduce defects and increase consumer confidence in new building and plumbing work.

It is expected governments will regulate compulsory *CPD on the NCC* and compulsory *CPD* on ethics for all registered NRF practitioners. Notwithstanding the action of governments, *CPD scheme administrators* should consider requiring practitioners identified in the NRF, where they are covered by their schemes, to undertake *CPD on the NCC* and *CPD* on ethics each year.

The *NCC* is used differently and to different degrees by practitioners when undertaking their roles in the building design, construction or approval process. Therefore the amount of *CPD on the NCC* a practitioner is required to undertake should reflect this, and should be consistent across the country for each practitioner discipline to facilitate AMR.

Most *CPD schemes* allow practitioners only practising for part of the year or who have personal reasons (illness, maternity or paternity leave etc.) to apportion the *CPD* requirement for that year. This extends to *CPD on the NCC* and it is recommended the approach used by governments and *CPD scheme administrators* be consistent across the country for each practitioner discipline to facilitate AMR.

Where a practitioner has multiple registrations, the amount of *CPD on the NCC* should not be cumulative. This is because *CPD on the NCC* will apply broadly and not be entirely discipline specific. It is important the *CPD on the NCC* undertaken maintains the core *NCC* competency of each registration type.

Many *CPD schemes* allow the carrying over of hours or points into a new *CPD* year or registration cycle where an excess has been obtained by the practitioner in the previous year or cycle. This should extend to *CPD on the NCC.* It is recommended the approach used by governments and *CPD scheme administrators* be consistent across the country for each practitioner discipline.

Legislative provisions for governments

It is recommended governments require:

1. All[16] registered[17] practitioners identified in the NRF undertake:

    a. the minimum amount of *CPD on the NCC* as specified in the minimum amount of *CPD on the NCC* as specified in **Error! Not a valid bookmark self-reference.**; and

    a. 2 hours/annum of *CPD* on ethics.

1. The amount of *CPD on the NCC* each year to be undertaken by a practitioner in its *CPD scheme*:

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[16] This includes registered practitioners that are not practicing. The amount of *CPD on the NCC* required should be pro-rata apportioned as per clause 2a.

[17] Practitioners identified in the NRF in this context include those that may be registered or licenced, such as plumbing practitioners in Victoria.

a. be pro-rata apportioned as necessary due to: part-time work, maternity leave, paternity leave and personal (sick) leave, and registration of a practitioner part-way through a registration or licencing cycle;

b. with multiple registrations be adjusted, but maintain the core *NCC* competency of each registration; and

c. be reduced to allow for carrying-over of *CPD on the NCC* in excess of the minimum required in the previous year or registration cycle.

   b. Table 2; and

   c. 2 hours/annum of *CPD* on ethics.

2. The amount of *CPD on the NCC* each year to be undertaken by a practitioner:

   a. be pro-rata apportioned as necessary due to: part-time work, maternity leave, paternity leave and personal (sick) leave, and registration of a practitioner part-way through a registration or licencing cycle;

   b. with multiple registrations be adjusted, but maintain the core *NCC* competency of each registration; and

   c. be reduced to allow for carrying-over of *CPD on the NCC* in excess of the minimum required in the previous year or registration cycle.

Recommendations for CPD scheme administrators

It is recommended *CPD scheme administrators* require:

2. All[18] practitioners in its *CPD scheme* that are identified in the NRF, undertake:

   b. the minimum amount of *CPD on the NCC* as specified in **Error! Not a valid bookmark self-reference.**; and

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[18] This includes practitioners that are not practicing. The amount of *CPD on the NCC* required should be pro-rata apportioned as per clause 2a.

    c. 2 hours/annum of *CPD* on ethics.

3. The amount of *CPD on the NCC* each year to be undertaken by a practitioner in its *CPD scheme*:

    d. be pro-rata apportioned as necessary due to: part-time work, maternity leave, paternity leave and personal (sick) leave, and registration of a practitioner part-way through a registration or licencing cycle;

    e. with multiple registrations be adjusted, but maintain the core *NCC* competency of each registration; and

    f. be reduced to allow for carrying-over of *CPD on the NCC* in excess of the minimum required in the previous year or registration cycle.

Table 2 CPD on the NCC amount (hours/annum) for each NRF discipline

Discipline	Amount of CPD on the NCC(hours/annum)
Architect	5
Building designer	5
Geotechnical designer	4
Structural designer	4
Electrical designer	4
Mechanical designer	4
Plumbing designer	4
Fire systems designer	4
Fire safety designer	4
Disability access consultant	5
Energy efficiency consultant	5
Builder (individual)	3
Plumber	3
Fire systems installer	3

Discipline	Amount of CPD on the NCC(hours/annum)
Building surveyor	7
Project manager	4

Note:

The *CPD on the NCC* amount is intended to contribute towards existing *CCPD* requirements, or mandatory CPD requirements specified by an industry-led *CPD scheme*, where they are in place, and is not in addition.

Further comment

For stakeholder clarity and to ensure alignment with other work that has been undertaken on the BCR, the model guidance has been developed with reference to the NRF practitioner disciplines. Some stakeholders have suggested that other building and construction practitioners not covered by the NRF should be required to complete compulsory *CPD on the NCC* and *CPD* on ethics. This is a matter for governments and *CPD scheme administrators*. Alignment to the NRF is not intended to prevent individual jurisdictions and *CPD scheme administrators* from expanding or narrowing the application of the model guidance to other building and construction practitioners as required.

It is expected that compulsory *CPD on the NCC* form part of broader *CCPD* requirements. Registration periods for practitioners currently range from 1 to 5 years. A 3-yearly registration cycle is most common. Where *CCPD* requirements exist they are usually linked to a practitioner's registration or licensing cycle. Therefore to align with existing *CCPD* requirements and to facilitate AMR, compulsory *CPD on the NCC* and compulsory *CPD* on ethics should be linked to the registration or licensing renewal date.

If compulsory *CPD on the NCC* and compulsory *CPD* on ethics is linked to registration renewal, consideration should be given to registrations applying to multiple years (e.g. if a practitioner only renews once every 3 years). This is because jurisdictions with registration cycles of more than one year raised concerns with requiring *CPD* to be undertaken by, or demonstrated at, the conclusion of a registration cycle. It can be onerous for practitioners to complete 3 or 5 years' worth of *CPD* immediately prior to applying for re-registration. This may also produce poor learning outcomes for

practitioners, with less chance for practitioners to properly understand and apply new information in a staged way.

In addition, updates to the *NCC*, which include *NCC* referenced documents, may not align with individual practitioner registration cycles. Therefore it's recommended practitioners be required to undertake some *CPD on the NCC* and some *CPD* on ethics each year, so their knowledge remains current and ethical behaviours are reinforced.

However, some existing industry association-led *CPD schemes*, for example Engineers Australia and AIBS's *CPD schemes*, have 3-yearly *CPD* requirements, with Engineers Australia's *CPD scheme* being a 3-yearly rolling-average *CPD* requirement. Feedback from stakeholders on the discussion paper raised the importance of extending this flexibility for *CPD on the NCC* and *CPD* on ethics undertaken as part of broader scheme requirements. Therefore, the approach used by governments and *CPD scheme administrators* should be consistent across the country for each practitioner discipline to help facilitate AMR. This may mean *CPD on the NCC* and *CPD* on ethics is not specifically mandated to be undertaken each year. Specifying the amount of *CPD on the NCC* and *CPD* on ethics in hours/annum in Table 2 enables this flexibility.

Feedback from stakeholders also indicated governments may need to consider the appropriateness of 3 hours/annum of *CPD on the NCC* for plumbers where a specific registered practitioners' role also covers matters outside the scope of the *NCC*, for example gasfitting. This would mean the minimum 3 hours/annum of *CPD on the NCC* could be reduced or supplemented.

Stakeholders were asked whether the required amount of *CPD on the NCC* should vary according to a practitioner's level of registration, and if so, how this could be achieved. Less than 40% of respondents believed the requirement should vary, and limited suggestions were provided as to how this could be achieved. Therefore this has not been included in the model guidance.

The discussion paper proposed practitioners undertake 2 hours/annum of compulsory *CPD* on ethics. There was majority support for the proposal but some stakeholders suggested compulsory ethics *CPD* should only be in relation to the *NCC*, whereas others stated it should be broader. Others stated ethics *CPD* should be incorporated

into the content of *CPD on the NCC*, or other *CPD activities* and should not be required in addition.

Advice was sought from the BCR Expert Panel members who stressed the importance of compulsory *CPD* on ethics and recommended that 2 hours/annum of *CPD* specifically on ethics be required for all practitioners. Therefore, specific ethics *CPD*, which can be broader than just NCC, has been included in the legislative provisions for governments and recommendations for *CPD scheme administrators*.

To assist governments and industry with future development of *CPD on the NCC* and topic areas that could contribute to improved *NCC* compliance, Appendix A summarises feedback received from stakeholders through public consultation.

Principle 3 - Evidence and records of CPD on the NCC and ethics

> Evidence and records of CPD on the NCC and CPD on ethics are required by governments and CPD scheme administrators

Objective

To outline minimum evidence and record-keeping requirements to ensure *CPD on the NCC* and *CPD* on ethics has been undertaken by practitioners.

Context

Once minimum hours of *CPD on the NCC* and *CPD* on ethics is required by governments and *CPD scheme administrators*, practitioners will need to demonstrate that the requirements have been met to enable renewal of registration or licencing.

Providing *CPD scheme* participants with appropriate tools and resources will enable practitioners to undertake and record their *CPD on the NCC* and *CPD* on ethics easily and efficiently.

Record keeping can be used to monitor the success of the *CPD scheme* in meeting its objectives and identifying areas that require improvement or need to change. It can also assist with auditing of practitioners.

Legislative provisions for governments

It is recommended that governments require practitioners:

1. Document completion and retain evidence of completed *CPD on the NCC* and completed *CPD* on ethics, for a minimum of 5 years.

2. Record the following information as evidence of completion of *CPD on the NCC* and *CPD* on ethics,:

    a. date;

    b. duration;

    c. description of the *CPD activity*;

    d. type of *CPD activity* (refer Table 1);

    e. a description of what was learnt where no assessment was undertaken;

    f. a certificate where supplied, or other documentary evidence of the activity, and

    g. contribution towards annual *CCPD* requirement.

3. Provide to an appropriate authority[19]:

    a. a signed declaration confirming fulfilment of *CPD on the NCC* and *CPD* on ethics prior to re-registration, or

    b. evidence outlined in 2. prior to re-registration.

Recommendations for CPD scheme administrators

It is recommended that *CPD scheme administrators*:

1. Require practitioners:

    a. Document completion and retain evidence of completed *CPD on the NCC* and completed *CPD* on ethics, for at least 5 years.

    b. Record the following information as evidence of completion of *CPD on the NCC* and *CPD* on ethics,:

        i. date;

        ii. duration;

        iii. description of the *CPD activity*;

        iv. type of *CPD activity* (refer Table 1);

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[19] An 'appropriate authority' in 3, means a government body, a registration board, or an industry body that is a *CPD scheme administrator*.

  v. a description of what was learnt where no assessment was undertaken;

  vi. a certificate where supplied, or other documentary evidence of the activity; and

  vii. contribution towards annual *CCPD* requirement.

 c. Provide if requested:

  i. a signed declaration confirming fulfilment of *CPD on the NCC* and *CPD* on ethics requirements, or

  ii. evidence outlined in 1b.

2. Provide appropriate tools and resources to assist practitioners comply with *CPD* requirements, and

3. Have adequate record-keeping processes and procedures.

Further comment

Tools and resources

Tools and resources such as templates or an online *CPD* portal can support practitioners undertaking CPD and improve compliance. These tools will also assist a *CPD scheme administrator* and governments with verification and auditing. This is discussed further in Principle 4.

It is suggested that governments and *CPD scheme administrators* introduce simple (and automated) mechanisms for practitioners to manage and record the completion of *CPD on the NCC* and *CPD* on ethics, to assist with the re-registration process.

Retaining records

Queensland and NSW require that *CPD* records are retained for 5 years. Given the linkage of *CPD* requirements to registration cycles, records should be retained for a minimum of 5 years to provide governments and/or *CPD scheme administrator's* time to audit following a registration cycle.

Some schemes allow completed *CPD* to be recorded digitally through an on-line portal, however practitioners are also encouraged to keep independent records of their completed *CPD* on the *NCC* and *CPD* on ethics. Requiring that practitioners retain their own records ensures that they are available to others, if requested, to avoid reliance on third party storage. The principle does not cover whether records should be in soft or hard-copy, but soft-copy (electronic) is recommended.

Evidence

To ensure *CPD on the NCC* and *CPD* on ethics is meaningful and contributes to improved practitioner competency, stakeholders recommended after completion of *CPD on the NCC*, a practitioner should document, in their own words, what they learnt and retain this as evidence. Other stakeholders stated this is not necessary if the *CPD activity* is a structured or formal learning activity and requires the completion of an assessment. Therefore, this distinction has been included in the proposed legislative provisions for governments and recommendations for *CPD scheme administrators.*

One approach for re-registration is to require a practitioner to submit evidence to the relevant government body, prior to re-registration, that *CPD* requirements have been met.

Requiring that practitioners document, retain and provide evidence of their fulfilment of the requirements of *CPD on the NCC* and *CPD* on ethics prior to registration, is consistent with some existing *CPD* requirements. In NSW, for example, architects must annually upload evidence of *CPD activities* for the last year in the month prior to the anniversary of their registration. Feedback received from stakeholders suggests this approach can be resource-intensive for governments and/or *CPD scheme administrators* as well as a practitioner. However, other stakeholders indicated this approach can contribute towards high levels of compliance for mandatory *CPD,* and can reduce the amount and frequency of auditing.

An alternative approach is to require practitioners to provide a signed declaration each year stating that they have completed all required *CPD on the NCC* and *CPD* on ethics prior to re-registration. Practitioners would be required to retain evidence to support their signed declaration if audited.

This approach would be less burdensome and is consistent with that used by other professions. However, this approach can increase the need for auditing by government or *CPD scheme administrator* to verify the information declared.

In recognition that both options can improve compliance, both options are included in the legislative provisions for governments and recommendations for *CPD scheme administrators*. This provides flexibility for implementation.

Record-keeping

Record-keeping can be used to monitor the success of the *CPD scheme* in meeting its objectives and identifying areas that require improvement or need to change. Adequate record-keeping is critical for effective auditing and can increase the likelihood of a *CPD scheme*'s success.

Record-keeping will also be critical in facilitating AMR. It can assist in providing assurances between governments and industry that *CPD* requirements, such as compulsory *CPD on the NCC* and ethics are being complied with, the *CPD scheme* is being managed appropriately, and ultimately lead to effective outcomes for practitioners and the wider community.

Principle 4 - CPD compliance

CPD on the NCC and CPD on ethics are audited and enforced

Objective

To ensure practitioners are undertaking mandatory C*PD on the NCC* and *CPD* on ethics.

Context

An audit is an independent examination of records. In relation to *CPD*, regular and appropriate audits of practitioner *CPD* records by government or *CPD scheme administrators* can verify that practitioners are complying with a compulsory requirement to undertake *CPD on the NCC* and *CPD* on ethics. When a practitioner fails to complete required *CPD*, the relevant government body or *CPD scheme administrator* should take enforcement action.

Legislative provisions for governments

It is recommended that governments:

1. Undertake audits to verify signed declarations or evidence provided by practitioners prior to re-registration, to demonstrate compliance with requirements to undertake *CPD on the NCC* and *CPD* on ethics.

2. Undertake appropriate enforcement action commensurate with the circumstances, where a practitioner has not completed their *CPD on the NCC* and *CPD* on ethics.

3. Require annual and public reports of auditing and enforcement action undertaken by industry *CPD scheme administrators* in relation to *CPD on the NCC* and *CPD* on ethics.

Recommendations for CPD scheme administrators

It is recommended that *CPD scheme administrators:*

1. Undertake audits to verify signed declarations or evidence provided by practitioners to demonstrate compliance with requirements to undertake *CPD on the NCC* and *CPD* on ethics.

2. Undertake appropriate enforcement action commensurate with the circumstances, where a practitioner has not completed required *CPD on the NCC* and *CPD* on ethics.

3. Annually report to governments the auditing and enforcement action undertaken in relation to *CPD on the NCC* and *CPD* on ethics.

4. Publicly report the auditing and enforcement action undertaken in relation to *CPD on the NCC* and *CPD* on ethics.

Further comment

Wider benefits of auditing include detection and minimisation of fraud, improved credibility of the *CPD scheme* and identification of improved processes that could assist practitioners in meeting their *CPD* requirements with less administrative burden. The Professional Standards Authority has identified incremental auditing to be an effective mechanism when assessing member non-compliance (or patterns of unsatisfactory professional conduct) to professional integrity systems. Although not all publicly available, the majority of construction sector *CPD schemes* have an auditing strategy.

The undertaking of appropriate enforcement action by *CPD scheme administrators* will ensure that *CPD scheme* participants, wider industry and governments have confidence in *CPD schemes*. Enforcement action can be wide ranging and may include cautioning; reprimanding; requiring further education; conditions or limitations on registration; a penalty; suspending registration; and/or cancelling registration.

The discussion paper proposed an auditing and enforcement strategy that included a requirement for *CPD scheme*s to annually and randomly audit practitioners each year, to ensure *CPD on the NCC* is being undertaken. This also included an enforcement

procedure. Many stakeholders provided feedback that the amount of auditing and type of enforcement action undertaken by *CPD scheme administrators* can be based on a number of factors including:

- Whether a declaration is requested of practitioners as completion of mandatory *CPD* or complete evidence is required to be submitted (refer to Principle 3).
- Preferring a percentage of all *CPD scheme* members are audited each year instead of a random auditing, so all members are audited over a 5 year period.
- Variations in appropriate auditing percentages (e.g. 2, 5, 10, 20, 100) which are dependent on the resources available and the setup of the *CPD scheme* itself.
- Auditing of *CCPD,* which could include *CPD on the NCC* and *CPD* on *ethics,* already being captured as part of broader auditing and enforcement activities undertaken by individual jurisdictions.
- The circumstances surrounding the individual practitioner, for example a false declaration provided by a practitioner may warrant immediate disciplinary action.

Based on feedback received through consultation, the recommended legislative provisions focus on requiring auditing and appropriate enforcement action, rather than how this should be undertaken.

However, there is often a commercial nature to *CPD schemes* in that scheme participants must undertake *CPD* to be a member of certain industry associations, usually for a fee. This can lead to conflicts of interest impacting the level of auditing and the disciplinary action undertaken in response to a member's non-compliance.

To mitigate the potential for this conflict of interest, the legislative provisions for governments include a requirement for industry *CPD scheme administrators* to report auditing and enforcement action undertaken each year. Further, it is recommended that *CPD scheme administrators* publicly report the auditing and enforcement action undertaken. This approach was strongly supported by the BCR Experts Panel. Governments may also wish to consider public reporting in relation to *CPD* as part of their broader auditing strategy and include it as part of implementing BCR recommendation 7.

APPENDICES

Appendix A – Data sources and CPD subjects

Stakeholders that responded to the discussion paper were asked to identify:

- data sources for *CPD on the NCC* and other *CPD* topics, and
- subjects that could contribute to future development of *CPD* by industry and governments', and improve outcomes for consumers.

This appendix contains a summary of the responses provided. All responses have been published on the ABCB's Consultation Hub, where permission was provided.

Data sources that could be used to inform focus areas for *CPD on the NCC* are as follows:

- Consumer complaints
- Registers of building disputes
- Registers of disciplinary actions
- Building surveyor inspection reports
- Product liability claims
- Professional indemnity insurance claims
- Surveys of building practitioners
- Changing trends in building typologies, building class and construction methods, and materials used
- Online building documentation portals used by governments
- Government auditing and enforcement actions
- Standards writing committees
- Construction related software programs
- Product certification bodies
- Tribunal cases
- Litigation outcomes
- Journal articles
- Social media
- Industry associations
- Government bodies
- ABCB.

CPD subjects that could contribute to improved outcomes for consumers are as follows:

- Standards of behaviour
- Respectful communication
- Diversity
- Contract law
- Conflicts of interest
- Contract management
- Customer service
- Consumer disputes and complaints
- Project management
- Business administration
- Relevant jurisdictional legislation
- The building approval process
- Premises Standard
- Sustainability
- Risk management
- Non-conforming building products
- Plans and specifications
- Innovation and technology
- Returning to work
- Leadership and management
- Documents and forms required by governments
- Workplace health & safety.