Continuing Professional Development (CPD)

Guidelines for Prescribed Practitioners

These are Guidelines issued by the Executive Director, Policy and Strategy, Better Regulation of the Department of Customer Service, as delegate for the Secretary of the Department (the Secretary), under Schedule 3 of the Design and Building Practitioners Regulation 2021.



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2. Glossary of terms

Words and expressions used in these guidelines have the same meaning as they have in the Design and Building Practitioners Act 2020 (the Act) and the Design and Building Practitioners Regulation 2021 (the Regulation) unless otherwise specified.

Construct NSW Learning Management System	means the digital learning platform delivered by the Office of the Building Commissioner and TAFE NSW which offers online courses to address skills and learning gaps in the building and construction industry.
CPD	continuing professional development.
CPD activity	means an activity approved in these guidelines.
CPD guidelines	means this document.
CPD year	a prescribed practitioner's CPD year is 12 months commencing on their date of registration and the anniversary of that date each year.
Pathway 2	a prescribed practitioner registering without a <i>Home Building Act 1989</i> licence under Pathway 2 in any of the individual building practitioner classes.
Prescribed practitioner	means a person who is registered under the <i>Design and Building Practitioners Act 2020</i> as a design practitioner, principal design practitioner, or building practitioner.
Registration	means registration granted under the <i>Design and Building Practitioners Act 2020</i> from 1 July 2021 for a period of 1, 3, or 5 years as specified in the notice of registration, unless cancelled.

3. Introduction

3.1 Background

The Regulation outlines the professional standards and qualifications that must be met by prescribed practitioners in NSW from 1 July 2021.

Continuing professional development (CPD):

- helps registered practitioners stay informed, up-to-date, skilled and knowledgeable;
- improves professionalism and performance in the building and construction industry through relevant learning; and
- enhances consumer protection and public confidence in the building and construction industry.

The CPD requirements that apply to prescribed practitioners depend on the qualifications pathway the prescribed practitioner was registered under.

Qualifications pathway	CPD requirement
All prescribed practitioners (except building practitioners registered under qualifications Pathway 2)	3 hours of approved relevant education and training each year only. * Prescribed practitioners must also complete any additional CPD requirements imposed on them by the Secretary (see clause 2(2) of Schedule 3 of the Regulation).
Building Practitioner – registered under qualifications Pathway 2 Applies to classes: Building Practitioner – body corporate nominee Building Practitioner – general Building Practitioner – body corporate nominee (low/medium rise) Building Practitioner – general (low/medium rise)	1. 3 hours of approved relevant education and training each year and 2. 12 additional CPD points every year. * Prescribed practitioners must also complete any additional CPD requirements imposed on them by the Secretary (see clause 2(2) of Schedule 3 of the Regulation).

3.2 Scope of this document

This document identifies the relevant education and training that is approved by the Secretary in order for a prescribed practitioner to meet their CPD requirements. This includes information on how to successfully complete one or both of the requirements.

- 1. 3 hours of approved relevant education and training each year (Section 4 of this document).
- 2. 12 additional CPD points every year (Section 5 of this document).

This document also details:

- Record keeping requirements for the CPD requirements (Section 6 of this document).
- How to apply for an exemption from some or all of the CPD requirements (Section 7 of this document).
- Consequences for non-compliance with the CPD requirements (Section 7 of this document).

This document also provides a template for prescribed practitioners to record CPD activities to meet their record keeping requirements under the Regulation (see appendix).

4. Completion of 3 hours CPD requirement

4.1 CPD requirement

Under clause 4(1) of Schedule 3 of the Regulation, prescribed practitioners must successfully complete **at least 3 hours** of approved relevant education and training each CPD year.

Building Practitioners registered under qualifications **Pathway 2** must **also** complete an additional 12 points of CPD every year. More information on this requirement is available in Section 5 of this document.

4.2 Approved education and training

CPD hours must be earned by undertaking courses available on the <u>Construct NSW Learning Management System provided by TAFE.</u>

Construct NSW Learning Management System

The Construct NSW Learning Management System has been developed to address the skills and learning gaps in the construction sector by creating, sponsoring and approving training courses in partnership with TAFE NSW.

Over time, the platform will become a virtual marketplace for industry education and host courses from a range of external bodies. The Department of Customer Service will work with the vocational and higher education sector to produce new learning modules that keep pace with changes in the industry, including responding to gaps in understanding of obligations under the Act and Regulation. Each course has a form of assessment to ensure that practitioners are actively participating in the learning and to test learning outcomes.

Further information is available on the Construct NSW - TAFE NSW website.

4.3 Relevant CPD activity

In order for a practitioner to complete 3 hours of relevant education and training, the courses that they complete from the Construct NSW Learning Management System must be relevant to the prescribed practitioner's class/es of registration and area/s of practice.

If there are sufficient courses for a practitioner to complete three hours in learning on technical skills, relevant to their area of practice, then the practitioner is to prioritise that learning. Technical learning, such as understanding the NCC and the BCA, is to be prioritised over other courses, such as improving business practices.

4.4 Calculating CPD hours

Where the course provider has designated the time it will take to complete the course, a prescribed practitioner is to count that amount of time towards their total hours of relevant education and training. A prescribed practitioner cannot count any additional time.

In order for time spent on a relevant education and training activity to be counted towards the 3-hour requirement, the activity must be at least **30 minutes**. If less than 30 minutes is taken on an activity, it cannot be counted.

If an activity lasts for more than 30 minutes, the completion time that can be counted towards the 3-hour requirement is to be **rounded down** to the nearest 30-minute increment. This means that a 2

1/4 hour seminar would be rounded back to be 2 hours and a 2 3/4 hour seminar would be rounded back to be 2.5 hours.

A prescribed practitioner is not entitled to count the time spent on any one course more than once in any CPD year.

For example:

If Jill participates in a CPD activity and the provider has not specified how long the course will take and Jill completes it in 2 hours and 15 minutes, she can claim 2 hours because she must round down the time.

4.5 Assessments

To be able to count the time spent completing any CPD activity towards the practitioner's CPD obligations, the practitioner must have successfully passed any assessment component of the CPD activity.

4.6 Repeating CPD activities

A prescribed practitioner cannot count the same CPD course or learning activity in any consecutive years unless the course has updated content.

For example, if a practitioner completes the course 'Understanding Occupation Certificate Audits' in their first CPD year, they are not entitled to redo the course in the following year and count it towards their CPD obligations unless the course has been updated.

4.7 Surplus points

Where a registered practitioner earns more than 3 CPD hours in a CPD year, they are not able to carry forward surplus hours into the next CPD year. All practitioners are required to complete a minimum of 3 hours of relevant education and training each CPD year. This is in addition to any other requirements they may have.

For example:

If a Registered Building Practitioner completed 5 hours of CPD activity in one year, the surplus 2 hours will not be carried to the next year. In the second year, the practitioner would still need to complete an additional 3 hours to satisfy their CPD requirement.

4.8 Multiple classes of registration

A prescribed practitioner is only required to complete 3 hours of CPD activities per registration, even if they are registered in multiple classes under that registration.

For example, if a practitioner is registered as a design practitioner in the classes of civil engineering and structural engineering, they will only need to complete 3 hours of CPD activities, with the activities being relevant to both classes. However, if a practitioner holds registration as a building practitioner and registration as a design practitioner, the practitioner must complete CPD for each type of registration, meaning 6 hours of CPD activity are required. This applies unless the Secretary imposes any additional CPD (clause 2(2) of Schedule 3 of the Regulation).

The following section (Section 5) addresses the 12-point CPD requirement. This is **only** relevant for Building Practitioners registered under qualifications Pathway 2. All other practitioners may proceed to Section 6 and Section 7 which provide information on exemptions and non-compliance.

5. Completion of 12 points CPD requirement

This section is only relevant for Building Practitioners registered under qualifications Pathway 2. All other practitioners should move to Section 6 and Section 7 of this document which provide information on record keeping requirements and exemptions.

5.1 CPD Requirement.

The Act was expanded to apply to class 3 and 9c buildings (e.g., boarding houses, hostels and residential care buildings) from 3 July 2023.

To facilitate the expansion, the Regulation introduced a **new additional qualifications pathway** to allow building practitioners working on class 3 and 9c buildings to successfully register under the Act without holding a *Home Building Act 1989* (HBA) licence. This recognises that these practitioners do not currently need underlying licences to work on class 3 and 9c buildings.

However, for consistency and to maintain a high standard for practitioners working on class 3 and 9c buildings, building practitioners registering under this pathway are assessed against the same criteria used to assess eligibility for a HBA licence. In addition, building practitioners registered under this pathway will also be subject to the same CPD requirements as those holding a HBA licence.

This means that building practitioners registered under this qualification pathway will be required to complete an **additional 12 CPD points** every year. This is in **addition** to the **3 hours** of approved relevant education and training each CPD year detailed in Section 4 of this document.

5.2 Calculating CPD hours

CPD activities earn you either 1 or 2 points per hour or up to 4 points per year. You must undertake activities to make up 12 points per year to satisfy your CPD obligation under this section. The method of calculation is different for activities under Learning category 1 and Learning category 2.

Section 5.4 provides information on which learning areas are eligible for CPD points.

Learning category 1: 1 point per hour

The smallest fraction of a CPD point that can be claimed for this category is ½ CPD point for 30 minutes of an activity. If less than 30 minutes is taken on an activity, it cannot be counted.

If an activity lasts for more than 30 minutes, the completion time that can be counted towards the 3-hour requirement is to be rounded down to the nearest 30-minute increment. This means that a 2 $\frac{1}{4}$ hour seminar would be rounded back to be 2 hours and a 2 $\frac{3}{4}$ hour seminar would be rounded back to be 2.5 hours.

For example: If Jane attends a university lecture for 1 hour and 15 minutes, she can claim 1 CPD points.

Learning category 2: 2 points per hour

The smallest fraction of a CPD point that can be earned for an activity with 2 CPD points per hour is 1 CPD point for 30 minutes of an activity. Where an activity does not result in 1 or 2 points, the CPD point must be rounded down to the nearest 1 point.

For example:

If John attends a seminar for 2 hours and 15 minutes, he can claim 2 CPD points If John attends a seminar for 2 hours and 20 minutes, he can claim 2 CPD points

5.3 Relevant CPD activity

Learning categories

CPD may be undertaken from the learning categories listed below. These must relate to the 8 learning areas listed in Section 5.4.

Registered practitioners must complete 12 CPD points from these learning areas to satisfy their CPD obligations.

Category	Eligibility Criteria	Example
Learning Category 1: 1 point per hour.	 Relevant to one of the 8 topics listed in Section 5.4, Be an activity with an identifiable learning outcome, Be interactive, meaning you must have to participate to complete your learning. Be delivered as a course, workshop, trade session, forum or conference, either online, or as a face-to-face activity, and Be delivered by an organisation or person with specialist industry expertise. 	Seminars, workshops, conferences, forums, news or trade sessions, short courses, or online courses. Delivered by, for example: Industry associations e.g. Master Builders Association of NSW (MBA) or Housing Industry Association (HIA). Government agencies e.g. Fair Trading. Suppliers of materials and/or services. Manufacturers of new products. Private training companies and/or Community Colleges and Adult Education Centres.
Learning Category 2: 2 points per hour.	 Be relevant to one of the 8 topics listed in Section 5.4, Be structured learning with an assessed learning outcome linked to either a relevant Australian University qualification or a relevant National Training Package outcome delivered by a registered training organisation or an Australian university qualification, and Be delivered by an Australian university or a Registered Training Organisation (RTO). 	 Delivered by, for example: TAFE NSW. MBA. HIA. Other registered training organisations. An Australian university.

Category Eligibility Criteria		Example			
Additional options.	A total of 4 points can be claimed in a single year comprising any or all of the following:	Employing an apprentice or trainee under a formal training arrangement and/or partner or associates learning.			
	One point each year can be	For example, 4 points can be earned by:			
	claimed by the prescribed practitioner for each person employed under a formal training arrangement such as an apprenticeship or traineeship. 2. Where a partner or associate of the prescribed practitioner undertakes CPD learning on behalf of the business, points can be earned as if undertaken by the prescribed practitioner.	 Partner/associate undertake learning earning 2 points. Employing 2 apprentices earning 2 points. 			

5.4 Broad learning areas and compulsory topics

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

Topic	Examples
1. Sustainability	 Example topics: BASIX. Waste management. Green building. Water management. Accessible Buildings (training could be based on PRDAC401A – Apply disability awareness to assessing access situations or PRDAC403A – Assess construction plans).
2. Compliance responsibilities (Occupational health and safety included - see also Safety below).	 Your obligations for home warranty insurance. Revise and update about changes to legislation. Where to find information. Application of the Building Code of Australia (e.g. training could be based on but not limited to: BCGSV5011A - Apply building codes and standards to residential buildings or 12828SA - Building Code of Australia application or PRDAC503A - Apply building codes and standards to accessible large scale buildings).
3. Communication techniques (also relates to Disputes below).	Example topics:

Topic	Examples				
	 Mediation and negotiation skills. Mediation and negotiation to achieve better outcomes. Dispute resolution. Quality of advice. 				
4. Disputes: how to handle complaints, how to avoid and how to resolve disputes (Also includes Communication techniques above).	True and false representations. Avoiding misrepresentation.				
5. Contractual Issues in a building business (also may include Compliant obligations above).	Contract terms.				
6. Safety (also may include Compliance obligations above).	 Asbestos removal. Small business safety. Safety at heights (e.g. training could be based on but not limited to BCPRF2001A - Work safely on roofs). 				
7. Building - Technical issues (may also relate to Sustainability above).	 Waterproofing – external (balconies and planter boxes) or internal (bathrooms) and interaction with other trades. Masonry Code – articulation joints, slip joints, weepholes, provision for frame shrinkage at openings. Ceramic tiling Code – use of flexible sealants at wall/wall and wall/floor intersections. Strip timber flooring – adequate material acclimatisation. Sealing of timber doors. Aspects of multi-storey construction. Pool builders example topics: Application of Pebblecrete linings. Fixing of coping tiles to limit. 				
8. Business management practices.	 Time management. New technology – using IT to improve your business. Running a business/Core business skills. Supervision and project management. 				

5.5 Examples of how to earn CPD points

Jim's CPD

Jim is a builder with his own small business. He is busy and needs to be efficient in using his time for CPD. He monitors the training programs run by his industry association which enables him to plan his CPD activities well in advance.

CPD Topic Area/Activity	Points
12828SA Building Code of Australia Application unit – 6 hours	12
Total	12

Bill's CPD

Bill is a pool builder in a rural area. He is alert to his safety needs and schedules his time so that he can attend a trade show focusing on energy conservation techniques run by the local building supplies store, as well as undertake a range of other relevant learning. Bill's business partner is his wife Joy who undertakes an on-line course about the Building Code of Australia as this is a need which they have identified would support the business.

CPD Topic Area/Activity	Points
Technical / Sustainability/ Online course coping tiles to limit – 3.5 hours	3.5
Compliance / Online course – 2 hours (by partner)	2
Sustainability / Trade show – 2.5 hours	2.5
Safety / Test and tag course – 4 hours	4
Total	12

5.6 Learning Outcomes

The CPD activity must be relevant to the regulated work undertaken by the prescribed practitioners, have significant intellectual or practical content and provide an educational outcome.

5.7 Training providers

The CPD must be conducted by person qualified to provide the training to be covered. For example, the trainers should have the appropriate State training accreditation to conduct training or specialist industry expertise. A list of providers include:

- HIA.
- MBA.
- Swimming Pool and Spa Association.
- TAFE NSW.
- Building Institute of Training and Development.
- Back to Basics Business Training Pty Ltd.

You can find legitimate and accredited training providers on the training.gov.au website. The training.gov.au website is Australia's vocational education and training database. It provides a search and browse function that allows users to find specific Training Packages, Qualifications, Courses, Units of Competency and RTOs that provide training in one or many states.

5.8 Certification by licensee / certificate holder

If the period of registration is 1 year, then the prescribed practitioner certifies that he or she has undertaken 12 points of CPD in the year immediately prior to renewal. If the registration is greater than 1 year, then the certification must apply for each year. For example, if the period of registration is three years, then the prescribed practitioner must certify that he or she has undertaken 36 points in the 3 years immediately prior to renewal. The certification is made when the registration renewal application is lodged.

5.9 Safety (also may include compliance obligations above)

Example topics include:

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

5.10 Repeating CPD activities

A prescribed practitioner is not entitled to count the time spent on any one course more than once in any CPD year. A prescribed practitioner also cannot count the same CPD course or learning activity in any consecutive years unless the course has updated content.

5.11 Surplus points

Where a registered practitioner earns more than 12 CPD points in a CPD year, they can carry forward surplus points into the next CPD year. Surplus points can only be carried forward for 12 months and cannot carry across multiple years.

For example:

If a Registered Building Practitioner earned 15 CPD points in one year, 3 points could be carried to the next year. In the second year, the practitioner would only need to complete an additional 9 points to satisfy their CPD requirement.

The ability to carry forward surplus points is only relevant for this section. Prescribed practitioners are unable to carry forward surplus points for the 3-hour CPD requirement.

6. Recording completed CPD

6.1 Recording the 3 hours CPD requirement

Prescribed practitioners must keep written records specifying how the practitioner has satisfied their 3 hour CPD requirement for each year and maintain those records for at least five years (see clause 3 of Schedule 3 of the Regulation).

The written records should be accompanied by evidence in support of the activities completed, such as certificates of completion. If requested in writing, a prescribed practitioner must provide copies of records of completed CPD activities to the Secretary (see clause 3(c) of Schedule 3 of the Regulation).

Appendix 1 provides a suggested template to record CPD activities satisfying the 3 hour CPD requirement. This is not a mandatory template. The template is an example only. Prescribed practitioners can modify the template to suit their needs, as long as the minimum information is captured.

6. Recording the 12 points CPD requirement

Prescribed practitioners, who are building practitioners registered under qualifications Pathway 2, must keep written records specifying how the practitioner has satisfied their 12 points CPD requirement for each year and maintain those records for at least five years (see clause 3 of Schedule 3 of the Regulation). This record is in addition to the record they must keep for their 3-hour CPD requirements.

Prescribed practitioners must retain a record of the actual activities undertaken, details of the educational value of the activity and the corresponding number of CPD points earned. The following records are acceptable:

Learning category 1:

An activity with an identifiable learning outcome. For example: seminar, workshops, conferences.

<u>Proof Required</u> – Proof of attendance, receipts or other records verifying the claim for points.

Learning category 2:

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

<u>Proof Required</u> – Statement of attainment, certificate of part completion or qualification issued by a registered training organisation or an Australian university.

If requested in writing, a prescribed practitioner must provide copies of records of completed CPD activities to the Secretary (see clause 3(c) of Schedule 3 of the Regulation).

Appendix 2 provides a suggested template to record CPD activities satisfying the 12 points CPD requirement. This is not a mandatory template. The template is an example only. Prescribed practitioners can modify the template to suit their needs, as long as the minimum information is captured.

7. Exemptions and non-compliance

7.1 Exemptions

In certain circumstances, the Secretary may exempt a prescribed practitioner from some or all CPD requirements if the Secretary considers it is reasonably necessary to do so (see clause 2(2)(a)(ii) of Schedule 3 of the Regulation).

While not exhaustive, some examples of circumstances in which the Secretary may consider it to be reasonably necessary to provide an exemption include:

- where the prescribed practitioner is ill (or caring for someone ill) for a significant portion of the period of registration, and therefore is unable to complete CPD activities or carry out work in accordance with the Act;
- where the prescribed practitioner is not working due to maternity leave, military leave, etc;
 and
- in circumstances where there is a pandemic or other declared natural disaster.

Prescribed practitioners may apply for an exemption from the Secretary in writing by sending an email to: CPDExemptions@customerservice.nsw.gov.au.

The request must include:

- the prescribed practitioners' name and registration number;
- the CPD activities undertaken by the prescribed practitioner in that CPD year;
- whether a partial or full exemption is sought;
- the reasons why the prescribed practitioner has not, or cannot, meet CPD requirements and why the Secretary should consider providing an exemption;
- any dates that support the request (e.g. dates of leave); and
- any documentation to support the request.

Prescribed practitioners who apply for an exemption will be advised by email of the outcome of the request within 28 days.

The Secretary may also publish a notice in the Gazette exempting a class of prescribed practitioners from some or all of the CPD requirements (see clause 2(2)(b) of Schedule 3 of the Regulation).

7.2 Requirements for Principal design practitioners

The Regulation does not require a registered principal design practitioner to complete any additional CPD, so long as the practitioner completes the required CPD in their capacity as a registered design practitioner.

This applies unless the Secretary imposes any additional CPD on the registered principal design practitioner (clause 2(2) of Schedule 3 of the Regulation).

7.3 Non-compliance

Under section 64 and 66 of the Act, the Secretary may take disciplinary action if the registered practitioner does not meet CPD requirements, unless an exemption has been granted.

The Code of Practice under Schedule 4 of the Regulation requires prescribed practitioners to remain informed of developments in building design, construction and industry practice in relation to building design and construction, to the extent that the developments are relevant to the prescribed practitioner's work, and relevant law.

A breach of the Code of Practice may also be grounds for disciplinary action, and it is a condition of registration that a prescribed practitioner must comply with the Code of Practice.

8. Appendix 1 – Template to record 3 hours CPD

Name:				Class of registration:				
Course title	Learning Platform	Course Code or ID (if applicable)	Date of completion	Name of trainer, organisation, writer	Type of supporting documents	Actual duration (in hours/minutes)	CPD hours earned (after rounding down to nearest 30 minute increment)	
CPD hours ear	ned per year							
Total CPD hour	s earned (year 1))						
Total CPD point	ts earned (year 2	·)						
Total CPD point	Total CPD points earned (year 3)							
Total CPD point	Fotal CPD points earned (year 4)							
Total CPD point	otal CPD points earned (year 5)							

Note: This is an example template. Prescribed practitioners can modify the template to suit their needs if it contains the necessary information.

9. Appendix 2 – Template to record 12 points CPD

Name:				Clas				
Course title	Learning Platform	Course Code or ID (if applicable)	Type of Assessment	Date of completion	Name of trainer, organisation, writer	Type of supporting documents e.g. record of attendance	Actual duration (in hours/minute s)	Points earned (after rounding down to nearest 30 minute increment)
CPD points e	earned per yea	r						
Total CPD po	ints earned (ye	ar 1)						
Total CPD points earned (year 2)								
Total CPD points earned (year 3)								
Total CPD points earned (year 4)								
Total CPD points earned (year 5)								

Note: This is an example template. Prescribed practitioners can modify the template to suit their needs if it contains the necessary information.