

# Continuing Professional Development (CPD) Guidelines for Prescribed Practitioners

These are Guidelines proposed to be issued by the Secretary of the Department of Customer Service (the Secretary), under Schedule 3 of the proposed *Design and Building Practitioners Regulation 2020*. The Guidelines are not final and have been prepared for the purposes of public consultation.

Appendix 2 contains questions about the Guidelines and CPD proposal that we would appreciate your feedback on. Please record your feedback in the *Design and Building Practitioners Regulation 2020 Stakeholder Feedback Template Form*.

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## 2. Glossary of terms

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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 proposed Design and Building Practitioners Regulation 2020 (the Regulation) unless otherwise specified.

Term	Description
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.
Duration of registration	1, 3, or 5 years as specified in the notice of registration, unless cancelled.
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> .

### 3. Introduction

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The Design and Building Practitioners Regulation 2020 (the Regulation) outlines the professional standards and qualifications that must be met by prescribed practitioners in NSW. Clauses 2 and 4 of Schedule 3 of the Regulation requires registered practitioners to complete continuing professional development each year.

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.

This document identifies:

- 1) education and training requirements for registered practitioners (section 4);
- 2) record keeping requirements (section 5);
- 3) how to apply for an exemption from some or all of the CPD requirements (section 6); and
- 4) consequences for non-compliance with the CPD requirements.

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

Registered practitioners must also complete any additional CPD requirements imposed on them by the Secretary (see clause 2(2) of Schedule 3 of the Regulation).

## 4. CPD requirements

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### 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.

### 4.2 Approved education and training

CPD hours must be earned by undertaking courses available from the [Construct NSW Learning Management System](#) and the [Australian Building Code Board NCC CPD system](#).

#### 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 Office of the Building Commissioner 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.

#### NCC CPD

Developed by the [Australian Building Codes Board](#) (ABCB) in consultation with industry, government and subject matter experts, NCC CPD are new Continuing Professional Development courses designed to reinforce industry understanding of the National Construction Code (NCC).

The subject areas explore industry issues, and challenges identified in the [Building Confidence Report](#). Experts from relevant disciplines have contributed to developing the course content and supporting materials, to ensure NCC CPD courses are practical and relevant to practitioners' everyday work. The courses support and supplement other CPD courses provided by industry, government and existing accreditation schemes.

### 4.3 Relevant CPD

For CPD undertaken by a practitioner to be relevant, the subject matter must be relevant to the prescribed practitioner's class of registration and area 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

Where the course provider has designated the duration time it will take to complete the course, a prescribed practitioner is to count that amount of time or the actual time it took to complete the course towards their CPD obligations, whichever is less.

CPD points go up in increments of 0.5, with 30 minutes the smallest period of time that can be earned towards a CPD activity. Where a CPD activity is not in 30 minute increments, a registered

practitioner must round down to the nearest 30 minutes. This means that a 2 ¼ hour seminar would be rounded back to be 2 hours and a 2 ¾ hour seminar would be rounded back to be 2.5 hours. Any CPD activity that takes less than 30 minutes cannot be counted towards meeting the prescribed practitioners' CPD obligations.

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 course that the course provider states will take 2 hours and it takes Jill 2.5 hours to complete the course, she can claim 2 hours towards her CPD obligations.*

*If Jill participates in a CPD course and the course provider says it will take 3 hours but Jill completes it in 2 hours and 30 minutes, she can claim 2.5 hours.*

*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.*

*If Jill participates in a CPD activity that takes her 20 minutes to complete, she cannot claim any time for that activity towards her CPD obligations.*

## **4.4 Assessments**

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

## **4.5 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.

## 5. Recording completed CPD

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### 5.1 Record keeping

Prescribed practitioners must keep written records specifying how the registered practitioner has satisfied their CPD requirements 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 to the Secretary (see clause 3(c) of Schedule 3 of the Regulation).

**Appendix 1** provides a suggested template to record CDP activities. This is not a mandatory template. The template is an example only and the examples provided are to be deleted. Prescribed practitioners can modify the template to suit their needs, if the minimum information is captured.

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## 6. Exemptions and non-compliance

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### 6.1 Exemptions

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

In certain circumstances, the Secretary may exempt a prescribed practitioner from some or all CPD requirements if 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 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: *[insert email address]*.

The request must include:

- the prescribed practitioners' name and registration number,
- the CPD undertaken by the prescribed practitioner 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).

### 6.2 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.

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## 7. Appendix 1 – Template to record completed CPD

Certifier's 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	Duration (in hours/minutes)	CPD hours earned
<i>Understanding OC Audits</i>	<i>Construct NSW LMS</i>	<i>N/A</i>	<i>21 August 2021</i>	<i>Department of Customer Service</i>	<i>Certificate of completion</i>	<i>2 hours</i>	<i>2</i>
<b>CPD hours earned per year</b>							
<b>Total CPD hours earned (year 1)</b>							
<b>Total CPD points earned (year 2)</b>							
<b>Total CPD points earned (year 3)</b>							
<b>Total CPD points earned (year 4)</b>							
<b>Total CPD points earned (year 5)</b>							

*Note: This is an example template. Examples shown in italics should be removed. Prescribed practitioners can modify the template to suit their needs if it contains the necessary information.*

## 8. Appendix 2 – Consultation Questions

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*We would appreciate your feedback on the Continuing Professional Development Guidelines for Prescribed Practitioners. Below are some questions you may want to answer. We also welcome your general feedback on the Guidelines.*

*Please use the Design and Building Practitioners Regulation 2020 Stakeholder Feedback Template Form to record your feedback and submit to the Department.*

1. Do you consider that requiring practitioners to undertake three hours of CPD activity is appropriate? Why or why not?
2. Do you support that CPD activities must be from the approved platforms?
3. Do you support the guidelines prioritising technical CPD activity (ie, improving knowledge and understanding of the National Construction Code and Building Code of Australia) over other CPD activities?
4. The Department is working with industry to develop courses that would assist practitioners. What courses or topic areas should be developed and available on the Construct NSW Learning Management System? We are particularly interested in providing courses that cover gaps in current learning content.
5. Are there any other general comments you would like to make on the Continuing Professional Development Guidelines for prescribed practitioners?