

Attorney-General  
Minister for the Arts and Cultural Events  
Minister for Building Quality Improvement  
Minister for Business and Regulatory Services  
Minister for Seniors and Veterans  
Member for Ginninderra

Obj # 19/05102

Mrs Giulia Jones MLA  
Chair  
Standing Committee on Justice and Community Safety  
ACT Legislative Assembly  
London Circuit  
CANBERRA ACT 2601

**Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) (the Committee) Scrutiny Report No. 29.**

Dear Mrs Jones

I write in response to comments on disallowable instrument DI2019-14 being the *Construction Occupations (Licensing) (Qualifications—Builder and Building Surveyor Licences) Declaration 2019*.

The Committee seeks my views on whether DI2019-14 involves a subdelegation of legislative power because the instrument includes various methods for demonstrating eligibility for a licence that requires a person to hold “a tertiary qualification in building that the Australian Qualifications Framework Advisory Board has determined is a bachelor degree, graduate certificate, graduate diploma, masters degree or doctoral degree in the Australian Qualifications Framework System”.

I do not consider the form of the declaration to be a subdelegation of my power. Importantly, the declaration does not require a qualification determined by the Australian Qualifications Framework Advisory Board (the Board), or allow the Board to choose the level of qualification required. In the declaration I have determined both the nature and level of the qualifications required, being a tertiary qualification in building at particular recognised levels.

The Australian Qualifications Framework (AQF) is the national policy for regulated qualifications in Australian education and training. A detailed explanation of each level can be found at <https://www.aqf.edu.au/aqf-levels>.

I have declared that building qualifications at a level of 7 (bachelor degree) through to 10 (doctoral degree) are required for eligibility.

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**ACT Legislative Assembly**

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Gordon Ramsay MLA

The reference to the AQF Board in the instrument is in the context of its role under the nationally-agreed AQF to determine qualification levels. I do not agree that relying on experts appointed under a national system to assess and categorise the level of each qualification, rather than to declare the qualification, is a subdelegation. Such an interpretation would also affect specific qualifications elsewhere in the declaration, as these have also been classified under the AQF.

I thank the Committee for its consideration of DI2019-14 as well as the associated Subordinate Law SL2019-4 *Construction Occupations (Licensing) Amendment Regulation 2019 (No 1)*, Disallowable Instrument DI2019-15 *Construction Occupations (Licensing) (Qualifications) Declaration 2019* and Disallowable Instrument DI2019-16 *Construction Occupations (Licensing) (Fees) Determination 2019*.

Yours sincerely

Gordon Ramsay MLA