

Statement of Regulatory Intent - Enforcement of Supervision Practice Standard for Apprentices in the Electrical Industry: 1 September 2024 to 28 February 2025

Purpose

This statement of regulatory intent sets out the approach of Building Commission NSW to the enforcement of the Supervision Practice Standard

This statement was approved by the NSW Building Commissioner on 12 August 2024.

Background

The supervision practice standard (SPS) was developed by Building Commission NSW in consultation with stakeholders to clarify the legislative requirements for the supervision of electrical apprentices, particularly under the *Home Building Act 1989*.

Any person, company or organisation acting as an employer of electrical apprentices must follow the SPS.

Licensed electricians must follow the SPS as a condition of their licence in their role as a qualified supervisor of apprentices when performing electrical work.

Apprentices also need to follow the SPS and must ensure that they do not work beyond the scope of the tasks and supervision requirements set out in the SPS.

The Building Commission's enforcement approach

From 1 September 2024 compliance with the SPS will be mandated as a legal requirement. Potential options to address non-compliance with the supervision requirements and Standard include education, penalty infringement notices and disciplinary action such as fines, suspension or cancellation of a licence.

Building Commission NSW notes that supervision of apprentices has long been a requirement of the *Home Building Act* but that the clarification of those requirements is relatively recent with the publication of the SPS in December 2023.

Given that the contractors were notified of the SPS in January 2024, Building Commission NSW expects that employers and qualified supervisors of electrical apprentices will have taken steps to become aware of the requirements set out in the SPS and to implement them by 1 September 2024.

As industry has been given substantial notice of the enforceability of the guidelines, Building Commission NSW reserves the right to use the range of enforcement options available under the *Home Building Act* by assessing regulatory risks from non-compliance on a case-by-case basis.

However, in order to help industry adapt to the clarification of supervision requirements provided in the SPS, Building Commission NSW will primarily adopt an educative approach during the six months from 1 September.

Further information about the Standard is available here:

<https://www.fairtrading.nsw.gov.au/trades-and-businesses/construction-and-trade-essentials/electricians/supervision-practice-standard-for-licensed-electricians-supervising-apprentices>