



New South Wales

# Proclamation

under the

Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 (1) of the *Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003*, do, by this my Proclamation, appoint:

(a) 1 January 2004 as the day on which the following provisions of that Act commence:

Long title and sections 1, 2 and 4,

Schedule 1 [2], [7]–[12], [19] (proposed section 109E (3) (a)–(c) and (e) excepted), [20] and [35],

Schedule 2.1 [7]–[9], [11], [15]–[17], [19], [35] (proposed clause 162A (4) and (6) excepted), [36], [42] and [43], and

(b) 1 March 2004 as the day on which the following provisions of that Act commence:

Schedule 1 [1], [3]–[6], [13]–[18], [19] (to the extent that it gives effect to proposed section 109E (3) (a)–(c) and (e)), [21]–[26], [29]–[31], [33], [34], [36]–[38], [40] and [41],

Schedule 2.1 [1]–[6], [10], [12]–[14], [18], [20]–[34], [35] (to the extent that it gives effect to proposed clause 162A (4) and (6)), [37]–[41], [44] and [45],

Schedule 2.2.

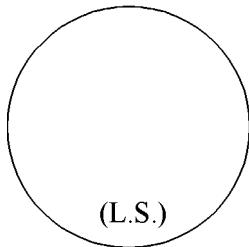
Signed and sealed at Sydney, this 17th day of December 2003.

## 2003 No 932

Proclamation

Explanatory note

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By Her Excellency's Command,

DIANE BEAMER, M.P.,  
Minister Assisting the Minister for Infrastructure and  
Planning (Planning Administration)

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence on 1 January 2004 the amendments made by the *Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003* (**the amending Act**) to the *Environmental Planning and Assessment Act 1979* that:

- (a) insert new definitions of *critical stage inspections*, *principal contractor*, *owner-builder* and *residential building work* into that Act, and
- (b) require the principal certifying authority for building work to give the person having the benefit of a development consent or complying development certificate for the work notice of any inspections that need to be carried out at different stages of the work, and
- (c) require that person to appoint a principal contractor for any such building work that will not be carried out by an owner-builder, and to give the principal contractor notice of those inspections, and
- (d) impose a maximum penalty of 300 penalty units (presently \$33,000) for failure to comply with any of those requirements, and
- (e) require a principal certifying authority to be satisfied that any inspections required by the regulations (*critical stage inspections*) have been carried out before issuing an occupation certificate for a building or a subdivision certificate for subdivision work.

Also commenced on that day are various amendments to the *Environmental Planning and Assessment Regulation 2000* which make provisions that are incidental and ancillary to those amendments (such as provisions setting out what must be included in notices required to be given because of the amendments described above).

This Proclamation commences on 1 March 2004 the remainder of the uncommenced amendments made by the amending Act (except Schedule 1 [28], which will allow an accreditation body to rely on a certificate of currency or an issued insurance policy to establish that an accredited certifier is covered by the required insurance).

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BY AUTHORITY