



New South Wales

Home Building Amendment (Application Fees) Regulation 2005

under the

Home Building Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Home Building Act 1989*.

JOHN HATZISTERGOS, M.L.C.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to amend the *Home Building Regulation 2004 (the 2004 regulation)* to increase certain fees payable under the *Home Building Act 1989 (the 1989 Act)*, being:

- (a) the fee for the issue of a certificate under section 131 of the 1989 Act, and
- (b) the application fees for contractor licences, supervisor certificates, tradesperson certificates and owner-builder permits.

The increases are in line with movements in the Consumer Price Index.

This Regulation also amends the 2004 regulation in connection with the application to licences under the 1989 Act of the uniform licensing provisions of the *Licensing and Registration (Uniform Procedures) Act 2002*.

This Regulation is made under the 1989 Act, including section 140 (the general regulation-making power) and, in particular, section 140 (2) (j).

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Clause 1 Home Building Amendment (Application Fees) Regulation 2005

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1 Name of Regulation

This Regulation is the *Home Building Amendment (Application Fees) Regulation 2005*.

2 Commencement

This Regulation commences on 1 July 2005.

3 Amendment of Home Building Regulation 2004

The *Home Building Regulation 2004* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clauses 42 and 42A

Omit clause 42. Insert instead:

42 Application fees

- (1) An application for the grant, renewal, restoration or replacement of an authority must be accompanied by the fee payable for the purposes of the Act as listed in Column 1 of Schedule 4.
- (2) The amount of each fee is to be calculated by adding together the various components set out in Columns 3 and 4 of Schedule 4 in relation to that fee, the total fee being as set out in Column 5 of that Schedule.
- (3) An amount specified in relation to an application fee in Column 3 of Schedule 4 under the heading “**Processing component**” is taken to be a fee to cover the costs incurred by the Director-General in processing the application.

Note. This amount is consequently a **processing fee** for the purposes of Part 2 of the *Licensing and Registration (Uniform Procedures) Act 2002*. If an application is made by electronic communication, the processing fee is discounted (see section 13 of that Act). If an application is refused, the applicant is not entitled to a refund of the processing fee (see section 22 of that Act).

- (4) There is no prescribed fee for an application:
 - (a) for the grant, renewal or restoration of a contractor licence authorising the holder to contract to do plumbing work or gasfitting work, or both, made by the holder of a contractor licence issued by the Plumbing Industry Commission of Victoria, but only if the holder’s business is carried on principally in Victoria, or
 - (b) for the grant of a supervisor certificate authorising the holder to do or supervise plumbing work or gasfitting work, or both, made by the holder of a contractor licence issued by that Commission, but only if the holder’s principal place of residence is in Victoria, or
 - (c) for the grant, renewal or restoration of a tradesperson certificate authorising the holder to do plumbing work or gasfitting work, or both, made by the holder of a certificate of registration issued by that Commission, but only if the holder’s principal place of residence is in Victoria, or

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Schedule 1 Amendments

- (d) for the grant of a supervisor certificate to do electrical wiring work to a person who held an electrical mechanic's contractor licence under the *Electricity Safety Act 1945*, authorising the person to do electrical wiring work without supervision, immediately before 21 March 1990 (the date of commencement of clause 10 of Schedule 4 to the *Home Building Act 1989*).
- (5) There is no prescribed fee for an application for the grant, renewal or restoration of a building consultancy licence if the applicant:
 - (a) is the holder of a contractor licence authorising the holder to do general building work, or
 - (b) is registered as an architect under the *Architects Act 2003*, or
 - (c) is an accredited certifier within the meaning of the *Environmental Planning and Assessment Act 1979*.

42A Modification of Part 2 of Licensing and Registration (Uniform Procedures) Act 2002

Part 2 of the *Licensing and Registration (Uniform Procedures) Act 2002* is modified in such a manner that sections 24 (2) and 25 of that Act do not apply in relation to a licence.

[2] Clause 82 Certificate evidence

Omit "\$16" from clause 82 (2). Insert instead "\$17".

[3] Schedule 4

Omit the Schedule. Insert instead:

Schedule 4 Application fees

(Clause 42)

Column 1	Column 2	Column 3	Column 4	Column 5	
Type of application	Duration	Processing component	Fixed component	Total fee	
Contractor licence					
Building contractor or supplier of kit homes					
(Individual)	New licence	1 year	\$215	\$279	\$494
	Renewal	1 year	\$51	\$279	\$330
	Restoration	1 year	\$254	\$279	\$533
(Partnership)	New licence	1 year	\$502	\$323	\$825
	Renewal	1 year	\$51	\$323	\$374
	Restoration	1 year	\$257	\$323	\$580
(Corporation)	New licence	1 year	\$547	\$443	\$990
	Renewal	1 year	\$51	\$443	\$494
	Restoration	1 year	\$269	\$443	\$712
Other construction or specialist contractor					
(Individual)	New licence	1 year	\$89	\$114	\$203
	Renewal	1 year	\$51	\$114	\$165
	Restoration	1 year	\$152	\$114	\$266
(Partnership)	New licence	1 year	\$96	\$196	\$292
	Renewal	1 year	\$51	\$196	\$247
	Restoration	1 year	\$163	\$196	\$359
(Corporation)	New licence	1 year	\$89	\$241	\$330
	Renewal	1 year	\$51	\$241	\$292
	Restoration	1 year	\$161	\$241	\$402

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Schedule 1 Amendments

Column 1	Column 2	Column 3	Column 4	Column 5
Type of application	Duration	Processing component	Fixed component	Total fee
Building consultancy licence				
(Individual) New licence	1 year	\$215	\$279	\$494
Renewal	1 year	\$51	\$279	\$330
Restoration	1 year	\$254	\$279	\$533
(Partnership) New licence	1 year	\$502	\$323	\$825
Renewal	1 year	\$51	\$323	\$374
Restoration	1 year	\$257	\$323	\$580
(Corporation) New licence	1 year	\$547	\$443	\$990
Renewal	1 year	\$51	\$443	\$494
Restoration	1 year	\$269	\$443	\$712
Supervisor certificate				
Building supervisor				
(Individual) New Certificate	1 year	\$62	\$116	\$178
Renewal	1 year	Nil	Nil	Nil
Restoration	1 year	Nil	Nil	Nil
Other construction or specialist work supervisor				
(Individual) New certificate	3 years	\$62	\$100	\$162
Renewal	3 years	Nil	Nil	Nil
Restoration	3 years	Nil	Nil	Nil
Tradesperson certificate				
(Individual) New certificate	3 years	\$65	\$41	\$106
Renewal	3 years	Nil	Nil	Nil
Restoration	3 years	Nil	Nil	Nil

Column 1	Column 2	Column 3	Column 4	Column 5
Type of application	Duration	Processing component	Fixed component	Total fee
Owner-builder permit	Not applicable	\$51	\$81	\$132
Replacement contractor licence, building consultancy licence, certificate or owner-builder permit	Not applicable	\$37	Nil	\$37
