



New South Wales

Home Building Amendment (Fees) Regulation 2007

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*.

LINDA BURNEY, M.P.,
Minister for Fair Trading

Explanatory note

The objects of this Regulation are as follows:

- (a) to increase certain application fees payable in connection with the administration of the *Home Building Act 1989* (*the Act*),
- (b) to increase the fee for the issue of a certificate under section 131 (Certificate evidence) of the Act,
- (c) to introduce the option of a 3-year contractor licence and building consultancy licence and to provide for the refund of the fixed component of the application fees for contractor and building consultancy licences and other construction or specialist work supervisor certificates and tradesperson certificates that are for a 3-year duration,
- (d) to effect minor law revision.

The fee increases referred to in paragraphs (a) and (b) are generally in line with movements in the Consumer Price Index. The application fees for the 3-year licences referred to in paragraph (c) are based on the 1-year licence fees and have been adjusted by a 20 per cent discount in respect of new licences and licence renewals. The application fees for the restoration of 1-year and 3-year licences have been altered as a consequence of that discount.

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

2007 No 343

Clause 1 Home Building Amendment (Fees) Regulation 2007

Home Building Amendment (Fees) Regulation 2007

under the

Home Building Act 1989

1 Name of Regulation

This Regulation is the *Home Building Amendment (Fees) Regulation 2007*.

2 Commencement

This Regulation commences on 20 July 2007.

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] Clause 42A

Insert after clause 42:

42A Refund of application fees for certain 3-year licences and certificates

- (1) This clause applies to an application fee paid by or on behalf of a person who has had his or her licence or certificate cancelled by the Director-General because:
 - (a) the person requested that the licence or certificate be cancelled, or
 - (b) the person died,but only if the licence or certificate was for a 3-year duration.
- (2) A person may apply to the Director-General for a refund of an application fee to which this clause applies if the person:
 - (a) paid the application fee, or
 - (b) is the legal personal representative of a deceased person who paid the application fee, or
 - (c) is applying for or on behalf of the person who paid the application fee.
- (3) A person who makes an application under subclause (2) is:
 - (a) in the case of an application relating to a licence or certificate that was cancelled not more than one year after the date of the grant, renewal or restoration of the licence or certificate—to be refunded two-thirds of the fixed component of the application fee so paid, or
 - (b) in the case of an application relating to a licence or certificate that was cancelled more than one year but not more than two years after the date of the grant, renewal or restoration of the licence or certificate—to be refunded one-third of the fixed component of the application fee so paid.
- (4) In this clause:

application fee means any of the following:

 - (a) an application fee for the grant of a new licence or certificate,

2007 No 343

Home Building Amendment (Fees) Regulation 2007

Schedule 1 Amendments

(b) an application fee for the renewal of a licence or certificate,

(c) an application fee for the restoration of a licence or certificate.

certificate means:

(a) an other construction or specialist work supervisor certificate, or

(b) a tradesperson certificate.

fixed component of an application fee is the amount set out in Column 4 of Schedule 4 in relation to the fee.

licence means:

(a) a contractor licence, or

(b) a building consultancy licence.

[2] **Clause 42A Modification of Part 2 of Licensing and Registration (Uniform Procedures) Act 2002**

Renumber the clause as clause 42B.

[3] **Clause 44**

Insert “**examination**” before “**fees**” in the heading to the clause.

[4] **Clause 82 Certificate evidence**

Omit “\$17” from clause 82 (2). Insert instead “\$18”.

[5] **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	\$227	\$295	\$522
		3 years	\$227	\$749	\$976

Home Building Amendment (Fees) Regulation 2007

Amendments

Schedule 1

Column 1	Column 2	Column 3	Column 4	Column 5
Type of application	Duration	Processing component	Fixed component	Total fee
Variation to add a category or categories referred to in clause 46 (1) (a), (b), (d), (ac) or (ad)	Not applicable	\$227	Nil	\$227
Variation to add a category or categories referred to in clause 46 (1) (c) or (e)–(ab) or (2) (a)–(j)	Not applicable	\$116	Nil	\$116
Renewal	1 year	\$54	\$295	\$349
	3 years	\$54	\$783	\$837
Restoration	1 year	\$108	\$281	\$389
	3 years	\$108	\$769	\$877
(Partnership) New licence	1 year	\$531	\$342	\$873
	3 years	\$531	\$801	\$1,332
Variation to add a category or categories referred to in clause 46 (1) (a), (b), (d), (ac) or (ad)	Not applicable	\$227	Nil	\$227

2007 No 343

Home Building Amendment (Fees) Regulation 2007

Schedule 1 Amendments

Column 1	Column 2	Column 3	Column 4	Column 5	
Type of application	Duration	Processing component	Fixed component	Total fee	
Variation to add a category or categories referred to in clause 46 (1) (c) or (e)–(ab) or (2) (a)–(j)	Not applicable	\$123	Nil	\$123	
(Corporation) Renewal	1 year	\$54	\$342	\$396	
	3 years	\$54	\$896	\$950	
	Restoration	1 year	\$108	\$328	\$436
		3 years	\$108	\$882	\$990
	New licence	1 year	\$579	\$468	\$1,047
		3 years	\$579	\$1,093	\$1,672
	Variation to add a category or categories referred to in clause 46 (1) (a), (b), (d), (ac) or (ad)	Not applicable	\$227	Nil	\$227
	Variation to add a category or categories referred to in clause 46 (1) (c) or (e)–(ab) or (2) (a)–(j)	Not applicable	\$123	Nil	\$123
	Renewal	1 year	\$54	\$468	\$522
		3 years	\$54	\$1,198	\$1,252
Restoration	1 year	\$108	\$454	\$562	
	3 years	\$108	\$1,184	\$1,292	

Home Building Amendment (Fees) Regulation 2007

Amendments

Schedule 1

Column 1	Column 2	Column 3	Column 4	Column 5	
Type of application	Duration	Processing component	Fixed component	Total fee	
Other construction or specialist contractor					
(Individual)	New licence	1 year	\$116	\$121	\$237
		3 years	\$116	\$353	\$469
	Variation to add a category or categories referred to in clause 46 (1) (a), (b), (d), (ac) or (ad)	Not applicable	\$227	Nil	\$227
		Not applicable	\$116	Nil	\$116
	Renewal	1 year	\$54	\$121	\$175
		3 years	\$54	\$363	\$417
	Restoration	1 year	\$108	\$107	\$215
3 years		\$108	\$349	\$457	
(Partnership)	New licence	1 year	\$123	\$207	\$330
		3 years	\$123	\$558	\$681
	Variation to add a category or categories referred to in clause 46 (1) (a), (b), (d), (ac) or (ad)	Not applicable	\$531	Nil	\$531

2007 No 343

Home Building Amendment (Fees) Regulation 2007

Schedule 1 Amendments

Column 1	Column 2	Column 3	Column 4	Column 5	
Type of application	Duration	Processing component	Fixed component	Total fee	
Variation to add a category or categories referred to in clause 46 (1) (c) or (e)–(ab) or (2) (a)–(j)	Not applicable	\$123	Nil	\$123	
(Corporation) Renewal	1 year	\$54	\$207	\$261	
	3 years	\$54	\$572	\$626	
	Restoration	1 year	\$108	\$193	\$301
		3 years	\$108	\$558	\$666
	New licence	1 year	\$123	\$255	\$378
		3 years	\$123	\$673	\$796
	Variation to add a category or categories referred to in clause 46 (1) (a), (b), (d), (ac) or (ad)	Not applicable	\$579	Nil	\$579
	Variation to add a category or categories referred to in clause 46 (1) (c) or (e)–(ab) or (2) (a)–(j)	Not applicable	\$123	Nil	\$123
	Renewal	1 year	\$54	\$255	\$309
		3 years	\$54	\$687	\$741
Restoration	1 year	\$108	\$241	\$349	
	3 years	\$108	\$673	\$781	

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	\$227	\$295	\$522
		3 years	\$227	\$749	\$976
	Renewal	1 year	\$54	\$295	\$349
		3 years	\$54	\$783	\$837
	Restoration	1 year	\$108	\$281	\$389
		3 years	\$108	\$769	\$877
(Partnership)	New licence	1 year	\$531	\$342	\$873
		3 years	\$531	\$801	\$1,332
	Renewal	1 year	\$54	\$342	\$396
		3 years	\$54	\$896	\$950
	Restoration	1 year	\$108	\$328	\$436
		3 years	\$108	\$882	\$990
(Corporation)	New licence	1 year	\$579	\$468	\$1,047
		3 years	\$579	\$1,093	\$1,672
	Renewal	1 year	\$54	\$468	\$522
		3 years	\$54	\$1,198	\$1,252
	Restoration	1 year	\$108	\$454	\$562
		3 years	\$108	\$1,184	\$1,292
Supervisor certificate					
Building supervisor					
(Individual)	New certificate	1 year	\$66	\$123	\$189
	Variation to add a category or categories referred to in clause 46	Not applicable	\$66	Nil	\$66

2007 No 343

Home Building Amendment (Fees) Regulation 2007

Schedule 1 Amendments

Column 1	Column 2	Column 3	Column 4	Column 5
Type of application	Duration	Processing component	Fixed component	Total fee
Renewal	1 year	Nil	Nil	Nil
Restoration	1 year	Nil	Nil	Nil
Other construction or specialist work supervisor				
(Individual) New certificate	3 years	\$66	\$106	\$172
Variation to add a category or categories referred to in clause 46	Not applicable	\$66	Nil	\$66
Renewal	3 years	Nil	Nil	Nil
Restoration	3 years	Nil	Nil	Nil
Tradesperson certificate				
(Individual) New certificate	3 years	\$69	\$43	\$112
Variation to add a category or categories referred to in clause 46 (2) (a)–(j)	Not applicable	\$66	Nil	\$66
Renewal	3 years	Nil	Nil	Nil
Restoration	3 years	Nil	Nil	Nil
Owner-builder permit				
	Not applicable	\$54	\$86	\$140
Replacement contractor licence, building consultancy licence, certificate or owner-builder permit				
	Not applicable	\$39	Nil	\$39

BY AUTHORITY