



New South Wales

Building Professionals Amendment (Inspections) Regulation 2008

under the

Building Professionals Act 2005

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Building Professionals Act 2005*.

FRANK SARTOR, M.P.,
Minister for Planning

Explanatory note

The objects of this Regulation are:

- (a) to clarify that Category C accredited certifiers are not permitted to conduct inspections required by regulations under section 109E (3) (d) of the *Environmental Planning and Assessment Act 1979* (but may carry out other inspections required by a principal certifying authority), and
- (b) to re-instate a transitional arrangement that permits certain accredited certifiers to continue to carry out such inspections (it will now apply until 1 March 2009), and
- (c) to provide for a fee for examinations or tests required under the *Building Professionals Act 2005* and an accreditation scheme as defined in that Act.

This Regulation is made under the *Building Professionals Act 2005*, including section 94 (the general regulation-making power).

2008 No 68

Clause 1 Building Professionals Amendment (Inspections) Regulation 2008

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1 Name of Regulation

This Regulation is the *Building Professionals Amendment (Inspections) Regulation 2008*.

2 Amendment of Building Professionals Regulation 2007

The *Building Professionals Regulation 2007* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 2)

[1] Schedule 1 Categories of certificates of accreditation

Insert “on such occasions as are prescribed by the regulations” after “carrying out of any inspections required” wherever occurring in Column 2 of Part 1 in the matters relating to Categories C1–C16.

[2] Schedule 2 Fees

Insert at the end of the Schedule:

8	An examination or test required under section 5 (3) (b) of the Act or under an accreditation scheme	Such fee, determined by the Board, as represents the reasonable cost to the Board of providing the examination or test and as is notified to the person at the time the examination or test is required
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[3] Schedule 4 Savings and transitional provisions

Omit clause 5. Insert instead:

5 Critical stage inspections

- (1) Despite any other provision of this Regulation (in particular, Schedule 1), the certificate of accreditation of an existing accredited certifier is taken to authorise the certifier to carry out inspections required by section 109E (3) (d) of the *Environmental Planning and Assessment Act 1979*.
- (2) This clause extends to inspections carried out, or started, before the commencement of the *Building Professionals Amendment (Inspections) Regulation 2008* of which a record is made, on or after that commencement, in accordance with clause 162B of the *Environmental Planning and Assessment Regulation 2000*.
- (3) This clause ceases to have effect on 1 March 2009.