



New South Wales

# Building Professionals Amendment (Accredited Certifiers) Regulation 2016

under the

Building Professionals Act 2005

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

VICTOR DOMINELLO, MP  
Minister for Innovation and Better Regulation

## Explanatory note

The object of this Regulation is to amend the *Building Professionals Regulation 2007*:

- (a) to enable accredited certifiers who have been involved in the carrying out of work on a swimming pool to issue a certificate of compliance under section 22D of the *Swimming Pools Act 1992* for that swimming pool in certain circumstances, and
- (b) to reduce the application fee for the issue or renewal of a certificate of accreditation of category E1 from \$1,500 to \$750.

This Regulation is made under the *Building Professionals Act 2005*, including sections 9 and 94 (the general regulation-making power).

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### 1 Name of Regulation

This Regulation is the *Building Professionals Amendment (Accredited Certifiers) Regulation 2016*.

### 2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

### 3 Amendment of Building Professionals Regulation 2007

#### (1) Clause 7AA Conflict of interest condition of category A1, A2, A3 and E1 certificates of accreditation

Insert after clause 7AA (2):

#### (2A) Meaning of being involved in the carrying out of work on a swimming pool

For the purposes of this clause, an accredited certifier who is the holder of a certificate of accreditation of category A1, A2, A3 or E1 is not involved in the carrying out of work on a swimming pool if:

- (a) the accredited certifier holds an endorsed contractor licence or a supervisor certificate issued under the *Home Building Act 1989* that authorises or includes authorisation for the holder to do swimming pool building or structural landscaping, and  
**Note.** Clause 20 of, and Schedule 4 to, the *Home Building Regulation 2014* specify the work that may be done by holders of contractor licences and supervisor certificates endorsed with work categories swimming pool building or structural landscaping.
- (b) the work is carried out as expeditiously as possible after the accredited certifier has conducted an inspection of the swimming pool under section 22C of the *Swimming Pools Act 1992*, and
- (c) the work is carried out for the purpose of issuing a certificate of compliance under section 22D of the *Swimming Pools Act 1992* in relation to the swimming pool, and
- (d) the value of the work (including the cost of materials and labour) does not exceed \$1,000.

#### (2) Schedule 2 Fees

Omit "\$1,500" from the matter relating to Item 1AA (b). Insert instead "\$750".