



New South Wales

Home Building Amendment (Fees) Regulation 2017

under the

Home Building Act 1989

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

MATT KEAN, MP
Minister for Innovation and Better Regulation

Explanatory note

The object of this Regulation is to amend the *Home Building Regulation 2014* as follows:

- (a) to increase the fees payable in connection with the administration of the *Home Building Act 1989*,
- (b) to provide for a mechanism for the automatic adjustment for inflation of those fees in future.

The fee increases effected by this Regulation are generally in line with movements in the Consumer Price Index (rounded to the nearest dollar).

This Regulation is made under the *Home Building Act 1989*, including sections 19, 24, 30 and 140 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Home Building Amendment (Fees) Regulation 2017*.

2 Commencement

This Regulation commences on 1 July 2017 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Home Building Regulation 2014

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

fee unit—see Part 2 of Schedule 6.

[2] Clause 66 Application fees

Insert “Part 1 of” before “Schedule 6” wherever occurring in clause 66 (1) and (3).

[3] Clause 66 (2)

Omit the subclause. Insert instead:

- (2) The amount of each fee is to be calculated by adding together the various components set out in Columns 3 and 4 of Part 1 of Schedule 6 in relation to that fee. The total fee is set out in Column 5 of Part 1 of that Schedule.

[4] Clause 67 Refund of application fees for certain 3-year licences and certificates

Insert “Part 1 of” before “Schedule 6” in the definition of *fixed component* in clause 67 (4).

[5] Schedule 6

Omit the Schedule. Insert instead:

Schedule 6 Application fees

(Clause 66)

Part 1 Fees payable

Item	Column 1	Column 2	Column 3	Column 4	Column 5
	Type of application	Duration	Fixed component (in fee units)	Processing (in fee units)	Total (in fee units)
Contractor licence					
Building work categories (that is, holder of a licence that includes any of the categories of work referred to in clause 13 (a))					
1	(Individual) New licence	1 year	3.81	2.90	6.71
2		3 years	9.66	2.90	12.56
3	Variation to add a category or categories referred to in clause 13 (a)	Not applicable	Nil	2.90	2.90
4	Variation to add a category or categories referred to in clause 13 (b) or 14	Not applicable	Nil	1.48	1.48
5	Renewal	1 year	4.00	0.50	4.50
6		3 years	10.30	0.50	10.80
7	Restoration	1 year	4.52	0.50	5.02

Item	Column 1	Column 2	Column 3	Column 4	Column 5
	Type of application	Duration	Fixed component (in fee units)	Processing component (in fee units)	Total (in fee units)
8		3 years	10.83	0.50	11.33
9	(Partnership) New licence	1 year	4.40	6.76	11.16
10		3 years	10.35	6.76	17.11
11	Variation to add a category or categories referred to in clause 13 (a)	Not applicable	Nil	2.90	2.90
12	Variation to add a category or categories referred to in clause 13 (b) or 14	Not applicable	Nil	1.58	1.58
13	Renewal	1 year	4.40	0.68	5.08
14		3 years	11.54	0.68	12.22
15	Restoration	1 year	4.23	1.39	5.62
16		3 years	11.37	1.39	12.76
17	(Corporation) New licence	1 year	6.01	7.38	13.39
18		3 years	14.05	7.38	21.43
19	Variation to add a category or categories referred to in clause 13 (a)	Not applicable	Nil	2.90	2.90
20	Variation to add a category or categories referred to in clause 13 (b) or 14	Not applicable	Nil	1.58	1.58
21	Renewal	1 year	6.01	0.68	6.69
22		3 years	15.39	0.68	16.07
23	Restoration	1 year	5.83	1.39	7.22
24		3 years	15.21	1.39	16.60
Trade and specialist categories (that is, holder of a licence that includes any of the categories of work referred to in clause 13 (b) or 14)					
25	(Individual) New licence	1 year	1.58	1.48	3.06
26		3 years	4.62	1.48	6.10
27	Variation to add a category or categories referred to in clause 13 (a)	Not applicable	Nil	2.90	2.90
28	Variation to add a category or categories referred to in clause 13 (b) or 14	Not applicable	Nil	1.48	1.48

Item	Column 1	Column 2	Column 3	Column 4	Column 5
	Type of application	Duration	Fixed component (in fee units)	Processing component (in fee units)	Total (in fee units)
29	Renewal	1 year	1.77	0.50	2.27
30		3 years	4.93	0.50	5.43
31	Restoration	1 year	2.29	0.50	2.79
32		3 years	5.46	0.50	5.96
33	(Partnership) New licence	1 year	2.67	1.58	4.25
34		3 years	7.22	1.58	8.80
35	Variation to add a category or categories referred to in clause 13 (a)	Not applicable	Nil	6.76	6.76
36	Variation to add a category or categories referred to in clause 13 (b) or 14	Not applicable	Nil	1.58	1.58
37	Renewal	1 year	2.67	0.68	3.35
38		3 years	7.42	0.68	8.10
39	Restoration	1 year	2.51	1.39	3.90
40		3 years	7.22	1.39	8.61
41	(Corporation) New licence	1 year	3.29	1.58	4.87
42		3 years	8.71	1.58	10.29
43	Variation to add a category or categories referred to in clause 13 (a)	Not applicable	Nil	7.38	7.38
44	Variation to add a category or categories referred to in clause 13 (b) or 14	Not applicable	Nil	1.58	1.58
45	Renewal	1 year	3.29	0.68	3.97
46		3 years	8.88	0.68	9.56
47	Restoration	1 year	3.12	1.39	4.51
48		3 years	8.71	1.39	10.10
Supervisor certificate					
Building work categories (that is, holder of a supervisor certificate that includes any of the categories of work referred to in clause 13 (a))					
49	(Individual) New certificate	3 years	1.58	0.86	2.44

Item	Column 1	Column 2	Column 3	Column 4	Column 5
	Type of application	Duration	Fixed component (in fee units)	Processing component (in fee units)	Total (in fee units)
50	Variation to add a category or categories referred to in clause 13 (a) or (b) or 14	Not applicable	Nil	0.86	0.86
51	Renewal	3 years	Nil	0.50	0.50
52	Restoration	3 years	Nil	0.50	0.50
Trade and specialist work categories (that is, holder of a supervisor certificate that includes any of the categories of work referred to in clause 13 (b) or 14)					
53	(Individual) New certificate	3 years	1.35	0.86	2.21
54	Variation to add a category or categories referred to in clause 13 (a) or (b) or 14	Not applicable	Nil	0.86	0.86
55	Renewal	3 years	Nil	0.50	0.50
56	Restoration	3 years	Nil	0.50	0.50
Tradesperson certificate					
57	(Individual) New certificate	3 years	0.55	0.90	1.45
58	Variation to add a category or categories referred to in clause 14	Not applicable	Nil	0.86	0.86
59	Renewal	3 years	Nil	0.50	0.50
60	Restoration	3 years	Nil	0.50	0.50
Owner-builder permit					
61		Not applicable	1.09	0.68	1.77
Replacement contractor licence, certificate or owner-builder permit					
62		Not applicable	Nil	0.46	0.46

Part 2 Adjustment of fees for inflation

1 Definitions

In this Part:

CPI number means the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics in the latest published series of that index.

financial year means a period of 12 months commencing on 1 July.

2 Calculation of fee unit for purposes of Regulation

- (1) For the purposes of this Regulation, a *fee unit* is:
 - (a) in the financial year 2017–18—\$100, and
 - (b) in each subsequent financial year—the amount calculated as follows:

$$\$100 \times \frac{A}{B}$$

where:

A is the CPI number for the March quarter in the financial year immediately preceding the financial year for which the amount is calculated.

B is the CPI number for the March quarter of 2017.

- (2) The amount of a fee unit is to be rounded to the nearest cent (and an amount of 0.5 cent is to be rounded down).
- (3) However, if the amount of a fee unit calculated for any financial year is less than the amount that applied for the previous financial year, then the amount for that previous financial year applies instead.

3 Rounding of fee amounts

The amount of a fee calculated by reference to a fee unit (including the amount of a component of a fee) is to be rounded to the nearest dollar (and an amount of 50 cents is to be rounded down).

4 Notice of indexed fees

- (1) As soon as practicable after the CPI number for the March quarter is first published by the Australian Statistician, the Secretary is required to:
 - (a) notify the Parliamentary Counsel of the amount of the fee unit for the next financial year so that notice of that amount can be published on the NSW legislation website, and
 - (b) give public notice on an appropriate government website of the actual amounts of the fees applying in each financial year resulting from the application of the amount of a fee unit calculated under this Part.
- (2) This Part operates to change an amount of a fee that is calculated by reference to a fee unit and that change is not dependent on the notification or other notice required by this clause.