



New South Wales

Building Professionals Amendment (Provision of Information) Regulation 2017

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*.

MATTHEW KEAN, MP
Minister for Innovation and Better Regulation

Explanatory note

The object of this Regulation is to permit the Secretary of the Department of Finance, Services and Innovation to make an order that requires persons who carry out certification work, accreditation holders and certifying authorities to provide information to the Building Professionals Board about certification work, building work and related matters. Failure to provide the information in accordance with an order is an offence with a maximum penalty of \$5,500. A penalty notice may be issued in relation to the offence with a prescribed penalty of \$1,500 if the offence is committed by an individual or \$3,000 if it is committed by a corporation.

This Regulation is made under the *Building Professionals Act 2005*, including sections 92 and 94 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Building Professionals Amendment (Provision of Information) Regulation 2017*.

2 Commencement

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

Schedule 1 Amendment of Building Professionals Regulation 2007

[1] Clause 20G

Insert after clause 20F:

20G Provision of information to Secretary

- (1) The Secretary of the Department of Finance, Services and Innovation may, by order published in the Gazette, specify:
 - (a) information about certification work, building work and related matters that persons who carry out certification work, accreditation holders and certifying authorities must provide to the Board, and
 - (b) the time and manner in which any such information must be provided.
- (2) An order under this clause may:
 - (a) apply generally or be limited in its application by reference to specified exceptions or factors, or
 - (b) apply differently according to different factors of a specified kind, or
 - (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,or may do any combination of those things.
- (3) A person who carries out certification work, an accreditation holder or a certifying authority who is required by an order to provide information to the Board must provide the information in accordance with the order.
Maximum penalty: 50 penalty units.

[2] Schedule 3 Penalty notice offences

Insert at the end of the Schedule:

Building Professionals Regulation 2007

Clause 20G (3)	\$1,500 for an individual \$3,000 for a corporation
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