



New South Wales

Home Building Amendment (Fees) Regulation 2020

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*.

KEVIN ANDERSON, MP
Minister for Better Regulation and Innovation

Explanatory note

The object of this Regulation is to amend the *Home Building Regulation 2014* to—

- (a) provide for the partial refund of certain application fees payable for licences and certificates under the *Home Building Act 1989* in particular circumstances, and
- (b) prescribe the fees payable for the grant, variation, renewal, restoration and replacement of authorities issued under the *Home Building Act 1989*.

This Regulation is made under the *Home Building Act 1989*, including sections 19(4), 24(5), 30(5), 39(4)(b) and 140 (the general regulation-making power).

Home Building Amendment (Fees) Regulation 2020

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Home Building Act 1989

1 Name of Regulation

This Regulation is the *Home Building Amendment (Fees) Regulation 2020*.

2 Commencement

This Regulation commences on 1 July 2020 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Home Building Regulation 2014

[1] Clause 66 Application fees

Omit “Columns 3 and 4” in subclause (2). Insert instead “Columns 2 and 3”.

[2] Clause 66(2)

Omit “Column 5”. Insert instead “Column 4”.

[3] Clause 66(3)

Omit “Column 4”. Insert instead “Column 3”.

[4] Clause 67

Omit clause 67. Insert instead—

67 Partial refund of application fees for certain licences and certificates

- (1) This clause applies to an application fee for a contractor licence, tradesperson certificate or supervisor certificate with a term of 3 years or 5 years, paid by or on behalf of a person who—
 - (a) has requested the licence or certificate be cancelled under the Act, or
 - (b) if the fee was paid by or on behalf of an individual—has died.
- (2) A person may apply to the Secretary for a refund of the application fee if the person—
 - (a) paid the application fee, or
 - (b) is applying for or on behalf of the person who paid the application fee, or
 - (c) is the legal representative of a deceased individual who paid the application fee.
- (3) A person is not entitled to make an application under this clause if the licence or certificate was cancelled as a result of disciplinary or enforcement action.
- (4) A person who makes an application under subclause (2) is—
 - (a) for a licence or certificate with a term of 3 years—entitled to a refund of one-third of the fixed component of the application fee paid for each complete year remaining for the licence or certificate, or
 - (a) for a licence or certificate with a term of 5 years—entitled to a refund of one-fifth of the fixed component of the application fee paid for each complete year remaining for the licence or certificate.
- (5) In this clause—

application fee means the following—

 - (a) an application fee for the grant of a contractor licence, tradesperson certificate or supervisor certificate,
 - (b) an application fee for the renewal of a contractor licence, tradesperson certificate or supervisor certificate,
 - (c) an application fee for the restoration of a contractor licence, tradesperson certificate or supervisor certificate.

fixed component of an application fee is the amount set out in Column 2 of Part 1 of Schedule 6 in relation to the fee.

[5] Schedule 6 Application fees

Omit the table to Part 1. Insert instead—

Item	Column 1	Column 2	Column 3	Column 4
	Type of application	Fixed component (in fee units)	Processing component (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) Grant of licence—			
	(a) 1 year	3.81	2.90	6.71
	(b) 3 years	9.66	2.90	12.56
	(c) 5 years	19.05	2.90	21.95
2	Variation to add a category or categories referred to in clause 13(a)	Nil	2.90	2.90
3	Variation to add a category or categories referred to in clause 13(b) or 14	Nil	1.48	1.48
4	Renewal of licence—			
	(a) 1 year	4.00	0.50	4.50
	(b) 3 years	10.30	0.50	10.80
	(c) 5 years	18.30	0.50	18.80
5	Restoration of licence—			
	(a) 1 year	3.63	1.39	5.02
	(b) 3 years	9.94	1.39	11.33
	(c) 5 years	18.80	1.39	20.19
6	(Partnership) Grant of licence—			
	(a) 1 year	4.40	6.76	11.16
	(b) 3 years	10.35	6.76	17.11
	(c) 5 years	22.00	6.76	28.76
7	Variation to add a category or categories referred to in clause 13(a)	Nil	2.90	2.90
8	Variation to add a category or categories referred to in clause 13(b) or 14	Nil	1.58	1.58
9	Renewal of licence—			
	(a) 1 year	4.40	0.68	5.08

Item	Column 1	Column 2	Column 3	Column 4
	Type of application	Fixed component (in fee units)	Processing component (in fee units)	Total (in fee units)
	(b) 3 years	11.54	0.68	12.22
	(c) 5 years	20.00	0.68	20.68
10	Restoration of licence—			
	(a) 1 year	4.23	1.39	5.62
	(b) 3 years	11.37	1.39	12.76
	(c) 5 years	22.00	1.39	23.39
11	(Corporation) Grant of licence—			
	(a) 1 year	6.01	7.38	13.39
	(b) 3 years	14.05	7.38	21.43
	(c) 5 years	30.05	7.38	37.43
12	Variation to add a category or categories referred to in clause 13(a)	Nil	2.90	2.90
13	Variation to add a category or categories referred to in clause 13(b) or 14	Nil	1.58	1.58
14	Renewal of licence—			
	(a) 1 year	6.01	0.68	6.69
	(b) 3 years	15.39	0.68	16.07
	(c) 5 years	27.05	0.68	27.73
15	Restoration of licence—			
	(a) 1 year	5.83	1.39	7.22
	(b) 3 years	15.21	1.39	16.60
	(c) 5 years	27.05	1.39	28.44
	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)			
16	(Individual) Grant of licence—			
	(a) 1 year	1.58	1.48	3.06
	(b) 3 years	4.62	1.48	6.10
	(c) 5 years	7.90	1.48	9.38
17	Variation to add a category or categories referred to in clause 13(a)	Nil	2.90	2.90

Item	Column 1	Column 2	Column 3	Column 4
	Type of application	Fixed component (in fee units)	Processing component (in fee units)	Total (in fee units)
18	Variation to add a category or categories referred to in clause 13(b) or 14	Nil	1.48	1.48
19	Renewal of licence—			
	(a) 1 year	1.77	0.50	2.27
	(b) 3 years	4.93	0.50	5.43
	(c) 5 years	8.85	0.50	9.35
20	Restoration of licence—			
	(a) 1 year	1.40	1.39	2.79
	(b) 3 years	4.57	1.39	5.96
	(c) 5 years	9.15	1.39	10.54
21	(Partnership) Grant of licence—			
	(a) 1 year	2.67	1.58	4.25
	(b) 3 years	7.22	1.58	8.80
	(c) 5 years	13.35	1.58	14.93
22	Variation to add a category or categories referred to in clause 13(a)	Nil	6.76	6.76
23	Variation to add a category or categories referred to in clause 13(b) or 14	Nil	1.58	1.58
24	Renewal of licence—			
	(a) 1 year	2.67	0.68	3.35
	(b) 3 years	7.42	0.68	8.10
	(c) 5 years	13.35	0.68	14.03
25	Restoration of licence—			
	(a) 1 year	2.51	1.39	3.90
	(b) 3 years	7.22	1.39	8.61
	(c) 5 years	13.35	1.39	14.74
26	(Corporation) Grant of licence—			
	(a) 1 year	3.29	1.58	4.87
	(b) 3 years	8.71	1.58	10.29
	(c) 5 years	16.45	1.58	18.03

Item	Column 1	Column 2	Column 3	Column 4
	Type of application	Fixed component (in fee units)	Processing component (in fee units)	Total (in fee units)
27	Variation to add a category or categories referred to in clause 13(a)	Nil	7.38	7.38
28	Variation to add a category or categories referred to in clause 13(b) or 14	Nil	1.58	1.58
29	Renewal of licence—			
	(a) 1 year	3.29	0.68	3.97
	(b) 3 years	8.88	0.68	9.56
	(c) 5 years	16.45	0.68	17.13
30	Restoration of licence—			
	(a) 1 year	3.12	1.39	4.51
	(b) 3 years	8.71	1.39	10.10
	(c) 5 years	16.45	1.39	17.84
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))				
31	(Individual) Grant of certificate—			
	(a) 1 year	0.52	0.86	1.38
	(b) 3 years	1.58	0.86	2.44
	(c) 5 years	3.30	0.86	4.16
32	Variation to add a category or categories referred to in clause 13(a) or (b) or 14	Nil	0.86	0.86
33	Renewal of certificate—			
	(a) 1 year	Nil	0.25	0.25
	(b) 3 years	Nil	0.50	0.50
	(c) 5 years	Nil	0.86	0.86
34	Restoration of certificate—			
	(a) 1 year	Nil	0.30	0.30
	(b) 3 years	Nil	0.57	0.57
	(c) 5 years	Nil	0.92	0.92

Item	Column 1	Column 2	Column 3	Column 4
	Type of application	Fixed component (in fee units)	Processing component (in fee units)	Total (in fee units)
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)				
35	(Individual) Grant of certificate—			
	(a) 1 year	0.45	0.86	1.31
	(b) 3 years	1.35	0.86	2.21
	(c) 5 years	2.95	0.86	3.81
36	Variation to add a category or categories referred to in clause 13(a) or (b) or 14	Nil	0.86	0.86
37	Renewal of certificate—			
	(a) 1 year	Nil	0.25	0.25
	(b) 3 years	Nil	0.50	0.50
	(c) 5 years	Nil	0.86	0.86
38	Restoration of certificate—			
	(a) 1 year	Nil	0.30	0.30
	(b) 3 years	Nil	0.57	0.57
	(c) 5 years	Nil	0.92	0.92
Tradesperson certificate				
39	(Individual) Grant of certificate—			
	(a) 1 year	0.18	0.90	1.08
	(b) 3 years	0.55	0.90	1.45
	(c) 5 years	1.60	0.90	2.50
40	Variation to add a category or categories referred to in clause 14	Nil	0.86	0.86
41	Renewal of certificate—			
	(a) 1 year	Nil	0.25	0.25
	(b) 3 years	Nil	0.50	0.50
	(c) 5 years	Nil	0.86	0.86
42	Restoration of certificate—			
	(a) 1 year	Nil	0.30	0.30
	(b) 3 years	Nil	0.57	0.57
	(c) 5 years	Nil	0.92	0.92

Item	Column 1	Column 2	Column 3	Column 4
	Type of application	Fixed component (in fee units)	Processing component (in fee units)	Total (in fee units)
	Owner-builder permit			
43		1.09	0.68	1.77
	Replacement contractor licence, certificate or owner-builder permit			
44		Nil	0.46	0.46
