

Attorney General (Fees) Amendment Determination 2009 (No 6)

Disallowable instrument DI2009- 269

made under the

Scaffolding and Lifts Act 1912, s 21 (Determination of fees)

EXPLANATORY STATEMENT

This instrument amends the Attorney General (Fees) Determination 2009 DI2009-116 to rectify an anomaly that has occurred between the *Scaffolding and Lifts Act 1912* and the *Building (General) Regulation 2008*.

The method used to determine a cost of building work in the ACT is set by the Construction Occupations Registrar (registrar), by a notifiable instrument made under the *Building (General) Regulation 2008*. The notifiable instrument is used to work out a range of fees including the fee for a notice of intention to commence building work.

The fees determined in DI 2009-116, in relation to fees under the *Scaffolding and Lifts Act 1912*, were the first revision of fees under that Act since 2006. Because of the length of time between redeterminations of fees, there was a significant rise in the fees.

The increase in fees under the revised instrument had an unintended consequence in relation to Item 342 in DI2009-116, which sets fees for notification of intention to commence work under the *Scaffolding and Lifts Act 1912*. The fee applies where the cost of work for a single dwelling house exceeds \$265,000. The threshold amount of \$265,000 has not been substantially revised since 1996, but actual construction costs have increased significantly since then.

This instrument is retrospective, taking effect from 1 July 2009. It does not adversely affect any person's rights or impose liability on any person. The retrospective commencement results in fewer people having to pay the fee listed in item 342.