

Australian Capital Territory

Construction Occupations (Licensing) (Fees) Determination 2019

Disallowable instrument DI2019-16

made under the

Construction Occupations (Licensing) Act 2004, s 127 (Determination of fees)

EXPLANATORY STATEMENT

Section 127 of the *Construction Occupations (Licensing) Act 2004* (the *Act*) permits the Minister to determine fees for the purposes of the Act.

The purpose of this instrument is to update the fees for applications for individual builder licences in the construction occupations classes A, B and C under the Act for the 2018-19 financial year.

This instrument is associated with a new declaration for qualifications for builders and building surveyors licences made under the *Construction Occupations (Licensing) Regulation 2004*, section 13 (SL2019-4).

That instrument provides that applicants for class A, B and C licences using the qualification pathways in the declaration must undertake and pass a written assessment set by the Construction Occupations Registrar. The new application fees for class A, B and C licensees in this instrument are revised to include the cost of administering the written examination. The increase is based on cost-recovery.

Examinations are not required for class D or owner-builder licences and so the fees for builder licences in construction occupation classes D and owner builder are unchanged.

The new examinations are part of the Improving the ACT Building Regulatory System reforms the ACT Government announced in June 2016. Reform 9 is to expand the written assessment prepared for a previous pilot for class C builder licensees to incorporate additional subjects and create assessments for A and B class licensees. A list of the reforms can be found at:

https://www.planning.act.gov.au/topics/current_projects/act_building_regulatory_system_review (link current at time of publication).

Consistent with the reforms to improve the competency of people who hold a builder licence, this instrument also removes class A, B and C builder licences from the fee for a reissue of a licence that expired within the last five years, and instead allows for a reduced fee in comparison with a new application for people in those classes that reapply for a licence in the same class within six months of the date the licence expired. Applicants will still need to sit the written examination.

This allows a person who may have had personal or other difficulties preventing them from renewing their licence from having to pay the full fee. If a person does not reapply within six months the application is considered a new application and applicants will need to pay the full application fee.

In addition, the reduced fee for applicants with previously expired licences does not apply to licences that have expired as a result of occupational discipline or refusal to renew the licence.

The new fees do not affect applications made under mutual recognition legislation.

The instrument commences on the day after its notification day.

This instrument revokes the *Construction Occupations (Licensing) (Fees) Determination 2018* (DI2018-160). This instrument does not revise other fees determined for 2018-19 in that instrument.

The determination under section 127 of the Act is a disallowable instrument and must be presented to the Legislative Assembly within 6 sitting days after its notification pursuant to section 64 of the *Legislation Act 2001*.

Regulatory Impact Statement (RIS)

A RIS is not required for this fee determination. Section 36 (1) (k) of the Legislation Act provides that a RIS need not be prepared for an amendment of a fee consistent with announced government policy.

The new fee increases the cost of an application for a class A, B or C builder licence in accordance with cost-recovery principles.

Human Rights

The Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) terms of reference require consideration of human rights impacts, among other matters. In this case, there are no human rights impacts.