

Construction Occupations (Licensing) (Fees) Determination 2021 (No 2)

Disallowable instrument DI2021-253

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 determine the fees for goods and services under the Act for the 2021-22 financial year.

As per the 2021-22 Budget Outlook, the Government is providing support to occupations that have been significantly affected during the COVID-19 pandemic by reducing licence renewal fees for construction occupational licences.

The Government will waive late renewal fees for the construction sector and provide a 20 per cent reduction in annual licence renewal fees for a range of construction occupational licences in 2021-22. These licences include:

- Builder;
- Building Surveyor;
- Building Assessor, Electrician, Gas Appliance Worker, Plumbing Plan Certifier or Work Assessor; and
- Drainer, Gasfitter and Plumber.

The instrument commences on the day after its notification day, and retrospectively applies the 20 per cent reduction in annual licence renewal fees to the start of the 2021-22 financial year.

Section 76 (1) of the *Legislation Act 2001* provides that a statutory instrument may provide that a non-prejudicial provision of the instrument commences retrospectively. In this case, reducing certain annual licence fees by 20 per cent is non-prejudicial and does not operate to the disadvantage of a person by adversely affecting the person's rights or imposing liabilities on the person. The introduction of a 20 per cent fee reduction for certain annual licences is intended to benefit the construction sector that has been affected by the COVID-19 lockdown. The Government will arrange reimbursement to any person who had paid the previous (non-reduced) fee between 1 July 2021 and the commencement of this instrument.

This instrument revokes the *Construction Occupations (Licensing) (Fees) Determination 2021* (DI2021-74).

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.

Regulatory Impact Statement (RIS)

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

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, no human rights are impacted.