

Australian Capital Territory

# Building (Fees) Determination 2024 (No 2)

Disallowable instrument DI2024–111

made under the

**Building Act 2004, s 150 (Determination of fees)**

## EXPLANATORY STATEMENT

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This explanatory statement relates to the *Building (Fees) Determination 2024 (No 2)* as presented to the Legislative Assembly. It has been prepared to assist the reader of the instrument. It does not form part of the instrument and has not been endorsed by the Assembly.

The Statement must be read in conjunction with the instrument. It is not, and is not meant to be, a comprehensive description of the instrument. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

Section 150 of the *Building 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 2024-25 financial year.

The building levy fee in this determination is a percentage applied to the cost of works.

The building levy which applied in the 2023-24 financial year has been increased by 6.2 % for the 2024-25 financial year. The building levy is increased from 1.30% to 1.38% for Class 1 and 2 buildings, and from 1.19% to 1.26% for all other building classes.

The increase in the building levy supports the implementation of the ACT Government's commitment to delivering a robust regulatory system for building and construction work and an appropriately resourced regulator to undertake monitoring and compliance activities.

Regulatory fees payable under section 83D, section 83M, and section 83P which applied in the 2023-24 financial year, have not been increased for the 2024-25 financial year. These fees were introduced on 1 May 2024 with the commencement of the *Building (Swimming Pool Safety) Legislation Amendment Act 2023*.

The regulatory fees in the determination which applied in the 2023-24 financial year, have been increased by 3.85% for the 2024-25 financial year based on the wage price index (WPI) as per Government policy, plus an additional 0.35% as per the decision in the 2023-24 Budget.

The instrument commences on 1 July 2024.

This instrument revokes the *Building (Fees) Determination 2024 (No 1)* (DI2024-81).

The determination under section 150 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* (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.