

Construction Occupations (Licensing) (Fees) Determination 2024 (No 3)

Disallowable instrument DI2024-293

made under the

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

EXPLANATORY STATEMENT

This explanatory statement relates to the *Construction Occupations (Licensing) (Fees) Determination 2024 (No 3)* 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 127 of the *Construction Occupations (Licensing) Act 2004* (the *Act*) permits the Minister to determine fees for the purposes of the Act.

This instrument reinstates two licensing fees that have been inadvertently omitted from previous fee instruments under the Act. These fees relate to:

- application for endorsement for interval metering work for electricians under section 31C; and
- application for endorsement for distributed energy resource work under section 31D.

The interval metering endorsement for electricians (section 31C) was introduced as part of the Power of Choice reforms in 2017 regarding electricity metering.

The distributed energy resources endorsement (section 31D) was implemented by the *Building and Construction Legislation Amendment Act 2023* and was included in the repealed *Construction Occupations (Licensing) (Fees) Determination 2024 (No 1)* (DI2024-36) on 11 March 2024 to align with the commencement of the endorsement requirement for electricians.

The cost for an application for licence endorsement is a one-off fee - the endorsement remains on the licence indefinitely. If applying for more than one type of endorsement, the \$74.93 fee covers all types of endorsement if they are applied for at the same time.

Both fees, with current indexation, are \$74.93 for the 2024-25 financial year.

The regulatory fees in the repealed determination (*Construction Occupations (Licensing) (Fees) Determination 2024 (No 2)* (DI2024-112)), which were increased by 3.85% for the 2024-25 financial year (from the fees determined in the 2023-24 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, remain unchanged.

All other fees in the determination, which applied in the 2023-24 financial year, have been increased by 3.50% for the 2024-25 financial year based on the wage price index (WPI) as per Government policy.

The instrument commences on the day after its notification day.

This instrument revokes the *Construction Occupations (Licensing) (Fees) Determination 2024 (No 2)* (DI2024-112).

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* (the **Legislation Act**).

Regulatory Impact Statement (RIS)

Section 34 of the Legislation Act provides that if a proposed subordinate law or disallowable instrument (the **proposed law**) is likely to impose appreciable costs on the community, or a part of the community, then, before the proposed law is made, the Minister administering the authorising law must arrange for a RIS to be prepared for the proposed law.

A RIS is not required as this instrument is not expected to impose appreciable costs on the community or part of the community. The endorsement fees reinstated by this instrument are in line with existing 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.