



New South Wales

Design and Building Practitioners Amendment (Fees) Regulation 2021

under the

Design and Building Practitioners Act 2020

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Design and Building Practitioners Act 2020*.

Minister for Better Regulation and Innovation

Explanatory note

The objects of this Regulation are to—

- (a) prescribe the fees payable for an application to be registered as a practitioner under the *Design and Building Practitioners Act 2020*, and for other matters under that Act, and
- (b) provide for the waiver, reduction, postponement or refund of fees in certain circumstances.

This Regulation is made under the *Design and Building Practitioners Act 2020*, including sections 43(3) and 107, the general regulation-making power.

Design and Building Practitioners Amendment (Fees) Regulation 2021

under the

Design and Building Practitioners Act 2020

1 Name of Regulation

This Regulation is the *Design and Building Practitioners Amendment (Fees) Regulation 2021*.

2 Commencement

- (1) Subject to subclause (2), this Regulation commences on 1 July 2021 and is required to be published on the NSW legislation website.
- (2) Schedule 2 commences on the commencement of the *Building Legislation Amendment Act 2021*.

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Schedule 1 Amendment of Design and Building Practitioners Regulation 2021

[1] Clause 31A

Insert before clause 31—

31A Fees for application for registration

- (1) For the purposes of the Act, section 43(3), the fees payable for an application to be registered as a practitioner are set out in Schedule 7, Part 1, Column 2.
- (2) If a person applies for two or more classes of registration in relation to the same type of practitioner, in the same application, the fee payable is the fee for the class with the highest fee amount.

[2] Clause 43 Grounds for variation, suspension or cancellation of registration

Insert after clause 43(1)—

- (1A) An application for the variation of a practitioner's registration or a condition of a practitioner's registration must—
 - (a) be in a form approved by the Secretary, and
 - (b) include or be accompanied by information or evidence required by the Secretary to assess the application, and
 - (c) be accompanied by the fee set out in Schedule 7, Part 1, Column 2.

[3] Clause 50 Application for recognition

Insert after clause 50(2)(b)—

- (b1) be accompanied by the fee set out in Schedule 7, Part 1, Column 2, and

[4] Clauses 93A–93C

Insert after clause 93—

93A Secretary's power to waive, reduce or refund fees

The Secretary may waive, reduce or refund, in whole or part, a fee payable or paid under the Act or this Regulation if the Secretary is satisfied it is appropriate because—

- (a) the person who is to pay or has paid the fee is suffering financial hardship, or
- (b) special circumstances exist.

Example— Special circumstances include a natural disaster or recovery from a natural disaster.

93B Partial refund of certain fees before registration

- (1) The refundable component of a fee paid for an application for registration must be refunded if—
 - (a) the Secretary refuses the application, or
 - (b) the applicant withdraws the application before the Secretary determines the application.
- (2) In this clause—
refundable component, of a fee, is the amount set out in Schedule 7, Part 1, Column 3.

93C Partial refund of certain fees after registration

- (1) This clause applies to a fee for an application for registration for a period of 3 or 5 years, paid by or on behalf of a person who—
 - (a) has applied for, and received written notice from the Secretary of, the cancellation of the registration, or
 - (b) if the fee was paid by or on behalf of an individual—has died.
- (2) The following persons may apply for a refund of the fee—
 - (a) the person who paid the fee,
 - (b) a person on behalf of the person who paid the fee,
 - (c) the legal representative of a deceased individual who paid the fee.
- (3) A person may not apply for a refund if the registration was cancelled as a result of disciplinary action.
- (4) The amount of the refund is—
 - (a) for a registration with a period of 3 years—one-third of the fee paid for each complete year remaining of the registration, or
 - (b) for a registration with a period of 5 years—one-fifth of the fee paid for each complete year remaining of the registration.

[5] Schedule 7

Insert after Schedule 6—

Schedule 7 Fees

clauses 31A, 43(1A)(c), 50(2)(b1) and 93B(2)

Part 1 Fees payable

Column 1	Column 2	Column 3
Type of application	Fee (in fee units)	Refundable component (in fee units)
Design practitioner—architectural and engineering classes		
The fees set out below apply to registration as a design practitioner—architectural, design practitioner—civil engineering, design practitioner—electrical engineering, design practitioner—fire safety engineering, design practitioner—geotechnical engineering, design practitioner—mechanical engineering and design practitioner—structural engineering		
(a) Application for a new registration—		
(i) for 1 year	3.81	2.39
(ii) for 3 years	8.56	7.14
(iii) for 5 years	14.28	12.86
(b) Application for renewal of a registration—		
(i) for 1 year	2.86	2.1
(ii) for 3 years	6.42	5.66
(iii) for 5 years	10.7	9.94

Column 1	Column 2	Column 3
Type of application	Fee (in fee units)	Refundable component (in fee units)
(c) Application for restoration of a registration—		
(i) for 1 year	3.38	2.62
(ii) for 3 years	6.94	6.18
(iii) for 5 years	11.22	10.46
(d) Application for variation of a registration or a condition of a registration	1.42	—
Design practitioner—body corporate		
(a) Application for a new registration—		
(i) for 1 year	12.84	8.23
(ii) for 3 years	28.89	24.28
(iii) for 5 years	48.14	43.53
(b) Application for renewal of a registration—		
(i) for 1 year	9.62	7.32
(ii) for 3 years	21.66	19.36
(iii) for 5 years	36.11	33.81
(c) Application for restoration of a registration—		
(i) for 1 year	10.14	7.84
(ii) for 3 years	22.18	19.88
(iii) for 5 years	36.63	34.33
(d) Application for variation of a registration or a condition of a registration	4.61	—
Design practitioner—other classes		
The fees set out below apply to registration as a design practitioner—building design (low rise), design practitioner—building design (medium rise), design practitioner—drainage, design practitioner—drainage (restricted), design practitioner—facade, design practitioner—fire systems (detection and alarm systems), design practitioner—fire systems (fire hydrant and fire hose reel), design practitioner—fire systems (fire sprinkler), design practitioner—fire systems (mechanical smoke control) and design practitioner—vertical transportation.		
(a) Application for a new registration—		
(i) for 1 year	4.14	2.39
(ii) for 3 years	9.3	7.55
(iii) for 5 years	15.51	13.76
(b) Application for renewal of a registration—		
(i) for 1 year	3.1	2.1

Column 1	Column 2	Column 3
Type of application	Fee (in fee units)	Refundable component (in fee units)
(ii) for 3 years	6.97	5.97
(iii) for 5 years	11.63	10.63
(c) Application for restoration of a registration—		
(i) for 1 year	3.62	2.62
(ii) for 3 years	7.49	6.49
(iii) for 5 years	12.15	11.15
(d) Application for variation of a registration or a condition of a registration	1.75	—
Principal design practitioner—body corporate		
Application for the following—	2.3	—
(a) a new registration		
(b) renewal of a registration		
(c) restoration of a registration		
(d) variation of a registration or a condition of a registration		
Principal design practitioner—general		
Application for the following—	1.0	—
(a) a new registration		
(b) renewal of a registration		
(c) restoration of a registration		
(d) variation of a registration or a condition of a registration		
Building practitioner—body corporate		
(a) Application for a new registration—		
(i) for 1 year	12.84	8.23
(ii) for 3 years	28.89	24.28
(iii) for 5 years	48.14	43.53
(b) Application for renewal of a registration—		
(i) for 1 year	9.62	7.32
(ii) for 3 years	21.66	19.36
(iii) for 5 years	36.11	33.81
(c) Application for restoration of a registration—		
(i) for 1 year	10.14	7.84
(ii) for 3 years	22.18	19.88
(iii) for 5 years	36.63	34.33

Column 1	Column 2	Column 3
Type of application	Fee (in fee units)	Refundable component (in fee units)
(d) Application for variation of a registration or a condition of a registration	4.61	–
Building practitioner—other classes		
The fees set out below apply to registration as a building practitioner—body corporate nominee and building practitioner—general.		
(a) Application for a new registration—		
(i) for 1 year	3.81	2.39
(ii) for 3 years	8.56	7.14
(iii) for 5 years	14.28	12.86
(b) Application for renewal of a registration—		
(i) for 1 year	2.86	2.1
(ii) for 3 years	6.42	5.66
(iii) for 5 years	10.7	9.94
(c) Application for restoration of a registration—		
(i) for 1 year	3.38	2.62
(ii) for 3 years	6.94	6.18
(iii) for 5 years	11.22	10.46
(d) Application for variation of a registration or a condition of a registration	1.42	–
Professional engineer		
(a) Application for a new registration—		
(i) for 1 year	5.56	3.81
(ii) for 3 years	12.52	10.77
(iii) for 5 years	20.86	19.11
(b) Application for renewal of a registration—		
(i) for 1 year	4.17	2.97
(ii) for 3 years	9.39	8.19
(iii) for 5 years	15.65	14.45
(c) Application for restoration of a registration—		
(i) for 1 year	4.69	3.49
(ii) for 3 years	9.91	8.71
(iii) for 5 years	15.95	14.75

Column 1	Column 2	Column 3
Type of application	Fee (in fee units)	Refundable component (in fee units)
(d) Application for variation of a registration or a condition of a registration	2.39	–
Recognised engineering body		
Application for recognition as a recognised engineering body	68.39	–

Part 2 Adjustment of fees for inflation

1 Definitions

In this Part—

CPI number means the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics in the latest published series of that index.

financial year means a period of 12 months commencing on 1 July.

2 Calculation of fee unit for purposes of Regulation

- (1) For the purposes of this Regulation, a **fee unit** is—
- (a) in the financial year 2021–22—\$106.40, and
 - (b) in each subsequent financial year—the amount calculated as follows—

$$\$100 \times \frac{A}{B}$$

where—

A is the CPI number for the March quarter in the financial year immediately preceding the financial year for which the amount is calculated.

B is the CPI number for the March quarter of 2017.

- (2) The amount of a fee unit is to be rounded to the nearest cent and an amount of 0.5 cent is to be rounded down.
- (3) However, if the amount of a fee unit calculated for any financial year is less than the amount that applied for the previous financial year, then the amount for that previous financial year applies instead.

3 Rounding of fee amounts

The amount of a fee calculated by reference to a fee unit, including the amount of a refundable component of a fee, is to be rounded to the nearest dollar and an amount of 50 cents is to be rounded down.

4 Notice of indexed fees

- (1) As soon as practicable after the CPI number for the March quarter is first published by the Australian Statistician, the Secretary is required to—
 - (a) notify the Parliamentary Counsel of the amount of the fee unit for the next financial year so that notice of that amount can be published on the NSW legislation website, and

- (b) give public notice on an appropriate government website of the actual amounts of the fees applying in each financial year resulting from the application of the amount of a fee unit calculated under this Part.
- (2) This Part operates to change an amount of a fee that is calculated by reference to a fee unit and that change is not dependent on the notification or other notice required by this clause.

[6] Dictionary

Insert in alphabetical order—

fee unit—see Schedule 7, Part 2.

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Schedule 2 Further amendment of Design and Building Practitioners Regulation 2021

[1] Clause 93A, heading

Insert “, postpone” before “or refund”

[2] Clause 93A

Insert “, postpone” before “or refund”.

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