



New South Wales

# **Building and Development Certifiers Amendment (Refund of Fees) Regulation 2020**

under the

**Building and Development Certifiers Act 2018**

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Building and Development Certifiers Act 2018*.

KEVIN ANDERSON, MP  
Minister for Better Regulation and Innovation

## **Explanatory note**

The object of this Regulation is to amend the *Building and Development Certifiers Regulation 2020* to provide for the partial refund of certain application fees for registrations or approvals payable under the *Building and Development Certifiers Act 2018* in particular circumstances.

This Regulation is made under the *Building and Development Certifiers Act 2018*, including section 120 (the general regulation-making power).

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### **1 Name of Regulation**

This Regulation is the *Building and Development Certifiers Amendment (Refund of Fees) Regulation 2020*.

### **2 Commencement**

This Regulation commences on 1 July 2020 and is required to be published on the NSW legislation website.

## Schedule 1      **Amendment of Building and Development Certifiers Regulation 2020**

### Clause 67A

Insert after clause 67—

#### **67A      Partial refund of application fees for certain registrations or approvals**

- (1) This clause applies to an application fee for grant of registration or approval with a term of 3 years or 5 years, paid by or on behalf of a person who—
  - (a) requested the cancellation or suspension of the registration granted under the Act, or
  - (b) requested the cancellation of the approval granted under the Act, or
  - (c) if the fee was paid by or on behalf of an individual—has died.
- (2) A person may apply to the Secretary for a refund of the application fee if the person—
  - (a) paid the application fee, or
  - (b) is applying for or on behalf of the person who paid the application fee, or
  - (c) is the legal representative of a deceased individual who paid the application fee.
- (3) A person is not entitled to make an application under this clause if the registration or approval was cancelled or suspended as a result of disciplinary action.
- (4) A person who makes an application under subclause (2) is—
  - (a) for a registration or approval with a term of 3 years—entitled to a refund of one-third of the application fee paid for each complete year remaining for the registration or approval, or
  - (b) for a registration or approval with a term of 5 years—entitled to a refund of one-fifth of the application fee paid for each complete year remaining for the registration or approval.
- (5) In this clause—

**application fee** means the following—

  - (a) an application fee for the grant of registration,
  - (b) an application fee for the grant of approval as an accreditation authority.