



Building Practitioners (Licensing Fees and Levy) Amendment Regulations 2018

Patsy Reddy, Governor-General

Order in Council

At Wellington this 3rd day of December 2018

Present:

The Right Hon Jacinda Ardern presiding in Council

These regulations are made under section 402(1)(d) and (e) and (2) of the Building Act 2004 on the advice and with the consent of the Executive Council, and on the recommendation of the Minister for Building and Construction.

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	New Schedule 1 inserted	

Regulations

1 Title

These regulations are the Building Practitioners (Licensing Fees and Levy) Amendment Regulations 2018.

2 Commencement

These regulations come into force on 21 January 2019.

3 Principal regulations

These regulations amend the Building Practitioners (Licensing Fees and Levy) Regulations 2010 (the **principal regulations**).

4 New regulation 3A inserted (Transitional, savings, and related provisions)

After regulation 3, insert:

3A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

5 Regulation 4 amended (Application fee)

In regulation 4(1), replace “\$80” with “\$217.39”.

6 Regulation 5 revoked (Administration fee)

Revoke regulation 5.

- 7 Regulation 6 amended (Assessment and interview fee for application to be licensed in licensing class called design: any applicant)**
- (1) In regulation 6(1)(a), replace “\$760” with “\$675.56”.
 - (2) In regulation 6(1)(b), replace “\$875” with “\$777.78”.
 - (3) In regulation 6(1)(c), replace “\$990” with “\$880.00”.
- 8 Regulation 7 amended (Assessment fee for application to be licensed in other licensing classes: applicant with recognised qualification)**
- (1) In regulation 7(1)(a), replace “\$125” with “\$111.11”.
 - (2) In regulation 7(1)(b), replace “\$155” with “\$137.78”.
 - (3) In regulation 7(1)(c), replace “\$200” with “\$177.78”.
 - (4) In regulation 7(1)(d), replace “\$125” with “\$111.11”.
- 9 Regulation 8 amended (Assessment fee for application to be licensed in other licensing classes: without recognised qualification)**
- (1) In regulation 8(1)(a), (d), (f)(i), (g)(i), (h), (i)(i), (j)(i), and (k), replace “\$275” with “\$244.44”.
 - (2) In regulation 8(1)(b), replace “\$305” with “\$271.11”.
 - (3) In regulation 8(1)(c), replace “\$315” with “\$280.00”.
 - (4) In regulation 8(1)(e), (f)(ii), (g)(ii), (i)(ii), and (j)(ii), replace “\$330” with “\$293.33”.
- 10 Regulation 9 amended (Interview fee for application to be licensed in other licensing classes: without recognised qualification)**
- (1) In regulation 9(1)(a), (d), (e), (f), (g), (h), (i), (j), and (k), replace “\$470” with “\$417.78”.
 - (2) In regulation 9(1)(b), replace “\$485” with “\$431.11”.
 - (3) In regulation 9(1)(c), replace “\$500” with “\$444.44”.
- 11 Regulation 10 amended (Voluntary suspension fee)**
In regulation 10, replace “\$50” with “\$43.48”.
- 12 Regulation 11 amended (Reissue fee)**
In regulation 11, replace “\$30” with “\$43.48”.
- 13 Regulation 12 amended (Administration fee with certain annual replies)**
- (1) Replace the heading to regulation 12 with “**Annual licence fee**”.
 - (2) In regulation 12, replace “administration fee of \$170” with “annual licence fee of \$84.35”.

14 Regulation 13 replaced (Board levy)

Replace regulation 13 with:

13 Scheme levy

The annual levy payable by a licensed building practitioner under section 303(2)(b) of the Act is \$123.48.

15 Regulation 14 amended (Late fee)

In regulation 14, replace “\$25” with “\$22.22”.

16 Regulation 15 replaced (GST included)

Replace regulation 15 with:

15 Fees and levy GST exclusive

The fees and levy prescribed by these regulations are exclusive of goods and services tax.

17 New Schedule 1 inserted

Insert the Schedule 1 set out in the Schedule of these regulations as the first schedule to appear after the last regulation of the principal regulations.

**Schedule
New Schedule 1 inserted**

r 17

**Schedule 1
Transitional, savings, and related provisions**

r 3A

**Part 1
Provision relating to Building Practitioners (Licensing Fees and
Levy) Amendment Regulations 2018****1 Amendments to regulations 12 and 13 do not apply where building
practitioner contacted before amendments commence**

The amendments to regulations 12 and 13 made by the Building Practitioners (Licensing Fees and Levy) Amendment Regulations 2018 apply only to fees and levies payable where the Registrar, under section 303 of the Act, contacted a licensed building practitioner on or after 21 January 2019.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 21 January 2019, amend the Building Practitioners (Licensing Fees and Levy) Regulations 2010 (the **principal regulations**).

The amendments—

- amend the fees payable under regulations 4, 10, 11, and 12 of the principal regulations; and
- amend the levy payable under regulation 13 of the principal regulations; and
- rename the fee payable under regulation 12 to better indicate the purpose for which a licensed building practitioner is required to pay the fee; and
- rename the levy payable under regulation 13 to better indicate the purpose for which a licensed building practitioner is required to pay the levy; and
- revoke regulation 5 so that no administration fee is payable in respect of an application to be licensed; and
- provide for all fees and levies to be expressed on a GST exclusive basis.

The amounts prescribed in the principal regulations did not reflect the increase in goods and services tax from 12.5% to 15% that took effect from 1 October 2010. Section 78(3) of the Goods and Services Tax Act 1985 has the effect of automatically applying tax increases to fees, charges, or other amounts prescribed by an Act or regulations. These regulations update the amounts prescribed to ensure that the regulations as a whole can be read and applied without recourse to section 78(3) of the Goods and Services Tax Act 1985.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 6 December 2018.

These regulations are administered by the Ministry of Business, Innovation, and Employment.