

Building Commission NSW

Explanatory note for draft Licensing Regulation

Draft Building Bill 2024

August 2024

Published by

Building Commission NSW

Department of Customer Service

www.customerservice.nsw.gov.au

About this paper

This paper provides an indication of policy positions proposed by Building Commission NSW as part of broader proposed building reforms. Proposed policy positions are being circulated for industry and community stakeholder feedback during consultation on the proposed building reforms. This paper does not reflect final Government positions or decisions.

Disclaimer

This publication avoids the use of legal language, with information about the law summarised or expressed in general statements. The information in this document should not be relied upon as a substitute for professional legal advice.

For access to legislation in force in NSW go to the official NSW Government website for online publication of legislation at www.legislation.nsw.gov.au

Copyright Information

© State of New South Wales through Department of Customer Service 2024

You may copy, distribute, display, download and otherwise freely deal with this information provided you attribute Building Commission NSW as the owner. However, you must obtain permission from Building Commission NSW if you wish to 1) modify, 2) charge others for access, 3) include in advertising or a product for sale, or 4) obtain profit, from the information. Important: For full details, email publications@customerservice.nsw.gov.au

Overview

The draft Building Bill establishes the framework for regulating building and construction work in NSW as part of the proposed building reforms. Much of the operational details for the new framework, such as what work is regulated, will be contained in the supporting Regulations. The purpose of the Regulations are to provide further detail and clarity about how the regulatory framework is proposed to operate.

Building Commission NSW intends to draft the supporting Regulations to the draft Building Bill in 2025, with further consultation opportunities for industry and community stakeholders to provide feedback on the draft Regulations.

However, as Building Commission NSW has already conducted extensive consultation on the licensing framework proposed under the draft Building Bill, we have commenced drafting some aspects of the Licensing Regulation to reflect the proposed policy positions.

The attached extract from the draft Licensing Regulation provides an indication of the proposed licensing requirements to inform industry and community stakeholder feedback during this consultation process.

Stakeholders are also encouraged to review this video which provides further information about key elements of the proposed licensing framework:

<https://vimeo.com/986952199/2b31d974be?share=copy>.

The draft Licensing Regulation does not reflect final Government positions or decisions on the proposed licensing framework. Feedback from stakeholders received during this consultation process will be provided to Government to inform a final decision on the future licensing framework under the draft Building Bill and draft Licensing Regulation.

Building Commission NSW will continue to work closely with stakeholders to develop the Regulations as they are drafted in the coming months.

Scope for the draft Licensing Regulation

The extract of the draft Licensing Regulation is a non-exhaustive overview of certain elements of the proposed licensing framework.

The final Licensing Regulation will include further detail about the overall proposed licensing framework, to be finalised pending Government decision and through further consultation.

The extract of the draft Licensing Regulation includes:

Ref	Content
Schedule 1 Scope of work	<p>Schedule 1 contains an indicative description of the work authorised under each proposed licence.</p> <p>These descriptions of work have been developed through extensive consultation with industry and community stakeholders, and we welcome further feedback on the drafting.</p> <p>Schedule 1 does not include the description of the work for all proposed licence classes. The Schedule includes placeholders for certain licence classes which will be subject to further consultation, and therefore drafting has not been prepared. Drafting will continue in the coming months, and stakeholders will have further opportunities to provide feedback.</p>
Schedule 2 Work authorised without a licence	<p>Schedule 2 contains a list of work proposed to be exempt from licensing requirements. That is, a person can carry out the work specified in Schedule 2 without holding a licence.</p> <p>The list of work in Schedule 2 is indicative only and non-exhaustive. Further work exempt from licensing requirements will be prescribed in the final drafting.</p> <p>The proposed list of work has been developed through extensive consultation with industry and community stakeholders, and we welcome further feedback on the drafting.</p>
Schedule 3 Dictionary	<p>The draft dictionary consists of key terms and definitions used throughout the extract of the draft Regulation. Further definitions will be included in the final drafting.</p>