

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to remove the current licensing regimes for certain occupations in cases where such regulation is no longer considered to be necessary.

The following occupational licences will be removed:

- (a) optical dispensers licences (under the Optical Dispensers Act 1963),
- (b) contractor licences for the supply of kit homes (under the Home Building Act 1989),
- (c) building consultancy licences (under the Home Building Act 1989),
- (d) contractor licences for non-structural flooring work (under the Home Building Act 1989 and the Home Building Regulation 2004),
- (e) contractor licences for mechanical services (under the Home Building Act 1989 and the Home Building Regulation 2004).

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

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Clause 2 provides for the commencement of the proposed Act (subject to a specified exception) on 1 July 2009 or the date of assent, whichever is the later. The amendments relating to optical dispensers licensing are to commence on 1 July 2010 (to coincide with the expiry of these licences).

Removal of optical dispensers licences

Schedule 1 provides for the removal of the optical dispensers licensing regime by the repeal of the Optical Dispensers Act 1963 and the consequential repeal of the Optical Dispensers Regulation 2007.

Schedule 4.1–4.4, 4.6 [2] and [4], 4.7 and 4.9–4.11 make consequential amendments to other Acts. The Health Care Complaints Act 1993 and the Health Records and Information Privacy Act 2002 will continue to apply to optical dispensers.

Removal of contractor licences for the supply of kit homes and building consultancy licences

Schedule 2 provides for the removal of contractor licences for the supply of kit homes and building consultancy licences and any reference relating to those licences in the Home Building Act 1989.

Schedules 3, 4.5 and 4.6 [1] and [3] make consequential amendments.

Removal of contractor licences for non-structural flooring work and mechanical services

Schedule 3 [4] provides that any work involved in the installation of any material that forms an upper layer or wearing surface of a floor is not residential building work for the purposes of the Home Building Act 1989 (provided that it does not involve any structural changes to the floor). As a result, a contractor licence is not required for non-structural flooring work. Accordingly, Schedule 3 [13] removes the category of flooring that is currently prescribed in relation to contractor licences. A contractor licence will continue to be required for structural flooring work and the categories of licence that may be appropriate for this work include general building work and carpentry.

Schedule 3 [4] also provides that any work that involves the installation or maintenance of lifts, escalators, inclinators or automatic garage doors is not residential building work for the purposes of the Home Building Act 1989. As a result, a contractor licence is not required for this type of work. Accordingly, Schedule 3 [14] removes the category of mechanical services that is currently prescribed in relation to contractor licences. Schedule 3 [3] makes a consequential

amendment.

Savings and transitional provisions

Schedule 2 [78] inserts a transitional provision in relation to the refund of application fees, on a pro rata basis, in relation to contractor licences and building consultancy

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licences that are no longer required under the Home Building Act 1989 as a result of the amendments made by the proposed Act.

Schedule 4.8 [2] inserts a transitional provision to ensure optical dispensers are not required to pay a roll fee in relation to a period during which the requirement to hold a licence will have been removed.

Schedules 2 [77], 4.8 [1] and 4.11 [5] enable regulations of a savings and transitional nature consequent upon the enactment of the proposed Act to be made.