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24 April 2020

The Hon. Gladys Berejiklian MP
Premier
GPO Box 5341
SYDNEY NSW 2001

Dear Premier

Building reform bills

I write on behalf of our members regarding concerns about potential delays in building reform legislation.

The NSW Government's *Design and Building Practitioner's Bill* (D&BP Bill) and the *Residential Apartments (Compliance and Enforcement Powers) Bill* (RAB Bill) were planned to go to NSW Parliament this month. However, I understand the government may now delay consideration of these bills until later in the year. The government has declared the passage of the D&BP bill is fundamental to reforming the shortcomings in the building and construction industry. Any proposed delay means the bill will not become law until the second half of the year at the earliest – one year later than when it was first introduced to Parliament – and we will face further delays while the supporting regulations are developed.

The government foreshadowed the proposed RAB Bill in February as another necessary piece of legislation to give the Building Commissioner some important interim powers until other reforms are in place.

These delays are disappointing news given the government and all stakeholders agree on the critical need for reform of the building and construction sector. They are of great concern to LGNSW and our member councils, particularly at this time when the government is promising economic stimulus measures like fast-tracking developments and construction in response to the COVID-19 pandemic. While I appreciate the emphasis on keeping the planning system going, we must ensure that building quality and safety remain a top priority for these new (and fast-tracked) developments.

We believe now is the time we should be sending a strong signal to the residential construction sector that we want to see quality participants in the construction market. Rather than delaying or relaxing regulatory controls, we must ensure this new regime is in place to support the quality players in the market and tighten regulations on the poor performers. As builders and developers rush to take advantage of the regulatory delays and the perpetual lack of strong building regulation, the outcome for thousands of potential building owners and residents in the future will be a perpetuation and possibly even an acceleration of poor quality and unsafe buildings.

We do not want to perpetuate the culture that has led to outcomes such as we have witnessed in extreme cases like Mascot Towers and the Opal Tower. The affected residents in these buildings, and all potential future owners and residents, deserve better than to see a decisive

delay in the promised legislation to start fixing the massive building problems of the past two decades.

These bills need to proceed as soon as possible so that the poor-quality players in the market are not allowed to flourish and these new and fast-tracked developments do not compromise on building safety and quality.

Our sector has campaigned for many years to have strong building regulations and this is one of LGNSW's key advocacy priorities on behalf of our members.

In light of these concerns, will you urgently progress these two pieces of legislation in NSW Parliament at the earliest opportunity?

I have also written to the Minister for Planning and Public Spaces, the Minister for Customer Service and the Minister for Better Regulation and Innovation on this matter.

Ms Kelly Kwan, Executive Manager, Advocacy (P: 9242 4038; E: kelly.kwan@lgnsw.org.au) can be contacted in the first instance should your office or department staff have questions about this matter.

Yours sincerely



Cr Linda Scott
President

cc.

Minister for Planning and Public Spaces, The Hon. Rob Stokes, MP

Minister for Customer Service, The Hon. Victor Dominello, MP

Minister for Better Regulation and Innovation, The Hon. Kevin Anderson, MP