

Yasmin Catley MP

MEMBER FOR SWANSEA



Mr Brian Seidler
Executive Director, Master Builders Association of NSW
52 Parramatta Road
FOREST LODGE NSW 2037

20 March 2019

Dear Mr Seidler,

Please see the following response to your correspondence to Michael Daley MP dated Tuesday 5 February. He has asked me to respond in my capacity as the Shadow Minister for Better Regulation.

The following letter responds to specific policy points raised in your correspondence, detailing NSW Labor's policies in these areas.

- **Establishment of a Building Commission**

A Daley Labor Government will establish a NSW Building Authority to bring together and build on existing resources to ensure increased oversight and accountability of every person in the construction chain. The authority will combine existing resources within Fair Trading and Planning to deliver key recommendations of the Lambert review that have been delayed by the Government.

- **Extend licencing to building designers, architects and engineers**

As a first step, a Daley Labor Government will require engineers to be registered. The new Building Authority will be tasked with reviewing all matters related ensuring the NSW building and construction industry is robust, including licencing of professionals.

- **Dedicated cabinet minister**

In its first term, a Daley Labor Government will introduce a principles-based, plain English piece of legislation under one Minister and one agency that would strengthen integrity of building regulations, improve consumer protections, raise professional standards and transparency, and strengthen duty of care between builders and end users – home buyers. The Government rejected this key recommendation of the Lambert Review.



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- **Consolidation of building regulation**

A Daley Labor Government would enact two key recommendations stemming from the *Independent Review of the Building Professionals Act 2005* undertaken by Mr Michael Lambert, namely:

1. Introduce a standalone Building Act to strengthen regulations, improve consumer protections and transparency around people's rights, and raise professional standards; and
2. Establish a NSW Building Authority to bring together and build on existing resources to ensure increased oversight and accountability of every person in the construction chain.

- **Continuing professional development**

The NSW Building Authority will be tasked with the oversight and accountability of industry, including working with industry to ensure professionals are skilled and competent.

- **Home building compensation fund**

This element of the building industry requires ongoing monitoring and adjustment. A Daley Labor Government will always seek to reduce costs and other impediments to participation in the building industry, but not at the risk of home owners being exposed to unsatisfactory standards of work.

Disreputable "players" within the industry have unfortunately tarnished and complicated all matters. The phoenix practice is a blight on the industry and needs to be stamped out as quickly as possible, but this is not simple, as successive Governments and Ministers have found – but work to this end will continue under a Labor Government.

- **Security of Payment & NCAT**

The NSW Building Authority will be tasked with the oversight of industry, including examining the effectiveness of the contractual relationships in the building and construction industry.

- **Workplace relations**

As we have said earlier, a Daley Labor Government will establish a single, well-resourced Building Authority. However, NSW Labor does not support the Federal ABCC and will not replicate a similar body in NSW if we are elected to office; nor will NSW Labor seek to confer the powers of the ABCC, or similar powers, on the proposed NSW Building Authority.

NSW Labor believes strongly in a co-operative system of industrial relations with sufficient powers to deal comprehensively with all industrial issues which arise in the

workplace. Criminal behaviour is not condoned and issues of criminal conduct should be dealt with by the appropriate law enforcement authorities.

- **Work health and safety**

A Daley Labor Government is committed to achieving and maintaining the highest standards of workplace health and safety in the building and construction industry. The changes proposed by the MBA are likely to weaken the safety regime as it currently exists. NSW Labor is committed to working in partnership with industry on these issues and is happy to discuss with the MBA any specific concerns it has about the operation of the right of entry permit arrangements.

- **Education and training**

NSW Labor acknowledges the significant skill shortage in construction, and the increasing demand for construction jobs as the building boom continues. We also acknowledge that a way to meet this demand is through the support of the apprenticeship system so young people are being trained to be job-ready for a growing industry.

NSW Labor supports targets for apprentices on NSW Government funded projects.

- **Workers Comp**

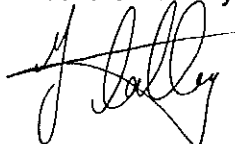
A Daley Labor Government is committed to a comprehensive review of the Workers Compensation Scheme as a result of the appalling state of disrepair in which the scheme now finds itself following the 2012 Coalition Government amendments. Consideration of the premiums to be paid by employers with apprentices/trainees should be incorporated into that review along with the wider thoughts and views of an important industry stakeholder like the Master Builders Association.

- **Cross border construction**

Any studies undertaken, including any studies undertaken on cross border jurisdictions, would be tasked to the new Building Authority.

Once again, thank you for taking the time to bring these important policy matters to my attention. Should you require any further information, please do not hesitate to contact my office on (02) 4972 1133.

Yours sincerely,



Yasmin Catley MP

Shadow Minister for Better Regulation