



LEGISLATIVE COUNCIL

PUBLIC ACCOUNTABILITY AND WORKS COMMITTEE

Review into the Design and Building Practitioners Act 2020 and the Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020 and related draft government bills



Report 6

November 2025

www.parliament.nsw.gov.au

Public Accountability and Works Committee

**Review into the Design and
Building Practitioners Act
2020 and the Residential
Apartment Buildings
(Compliance and
Enforcement Powers) Act
2020 and related draft
government bills**

Published on 11 November 2025 according to Standing Order
238

Review into the Design and Building Practitioners Act 2020 and the Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020 and related draft government bills

New South Wales. Parliament. Legislative Council. Public Accountability and Works Committee. Report no. 6.

Review into the Design and Building Practitioners Act 2020 and the Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020 and related draft government bills

"November 2025"

Chair: Ms Abigail Boyd MLC



A catalogue record for this book is available from the National Library of Australia

ISBN: 978-1-923392-11-3

Table of contents

	Terms of reference	v
	Committee details	vi
	Chair's foreword	vii
	Findings	viii
	Recommendations	ix
	Conduct of inquiry	xi
Chapter 1	Background	1
	Historical context and relevant regulatory controls	1
	<i>Design and Building Practitioners Act 2020</i> (DBP Act)	3
	<i>Residential Apartment Building (Compliance and Enforcement Powers) Act 2020</i> (RAB Act)	6
	Past inquiries and recent regulatory reform	7
	Building Commission NSW	9
	Decennial liability insurance	9
	Project Intervene	9
	Government-led consultation for draft consolidated building bills	10
Chapter 2	Review of current building legislation	13
	Purpose and timing of statutory review	13
	Functions exercised by the Secretary	14
	Registration and licensing	15
	Dispute resolution: Project Intervene	20
	Enforcement powers	22
	Objectives of the Acts	23
	Duty of care	25
	Insurance requirements	27
	Compliance declarations and other documentation	28
	Other concerns	33
	Committee comment	34
Chapter 3	Building reform: draft bills and government consultation	39
	Views of industry stakeholders	39
	Consultation process	40
	Lack of information about potential regulations	42
	<i>Architects Act 2003</i>	43

	Potential changes to licensing and accreditation	44
	New penalties	46
	Introduction of new terminology	46
	Committee comment	46
Appendix 1	Submissions	49
Appendix 2	Witnesses at hearings	51
Appendix 3	Minutes	53

Terms of reference

1. (a) That in accordance with section 109 of the Design and Building Practitioners Act 2020 and section 69 of the Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020 the Public Accountability and Works Committee is to review both Acts:
 - (i) to consider the functions exercised or delegated by the Secretary, and
 - (ii) to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain effective for securing those objectives, and
 - (iii) to consider the desirability of establishing an independent NSW Building Commission to instead exercise the regulatory and oversight functions under this Act and other Acts relating to the construction of buildings.*
 - (b) The review is to be undertaken as soon as possible after 30 March 2022.
 - (c) A report on the outcome of the review is to be tabled in the Legislative Council by 30 June 2022 (or by a later day determined by the Committee).
 - (d) The Minister is to table in the Legislative Council a written response to the report within 3 months after the tabling of the report.
2. That, in conducting its review, the Committee consider any legislative proposals or draft government bills that are intended to repeal the Design and Building Practitioners Act 2020 and the Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020.

The terms of reference for the review were adopted by the Committee on 21 May 2024. The terms of reference were amended by the committee on 27 June 2025.

- * The committee notes that the Building Commission NSW was established as the regulator of the state's building and construction industry on 1 December 2023.

Committee details

Committee members

Ms Abigail Boyd MLC	The Greens	<i>Chair</i>
Hon Scott Farlow MLC	Liberal Party	<i>Deputy Chair</i>
Hon Mark Buttigieg MLC	Australian Labor Party	
Hon Dr Sarah Kaine MLC	Australian Labor Party	
Hon Mark Latham MLC	Independent	
Hon Sarah Mitchell, MLC**	The Nationals	
Hon Peter Primrose MLC	Australian Labor Party	
Ms Cate Faehrmann MLC*	The Greens	

Contact details

Website	https://www.parliament.nsw.gov.au/committees/
Email	PAWC@parliament.nsw.gov.au
Telephone	(02) 9230 3081

* Ms Cate Faehrmann MLC is a participating member from 13 June 2024 for the duration of the inquiry.

** The Hon Sarah Mitchell, MLC substituted for Hon Bronnie Taylor MLC from 11 September 2024 until 16 September 2024. The Hon Sarah Mitchell MLC replaced the Hon Bronnie Taylor MLC as a substantive member of the committee from 24 September 2024.

Secretariat

Teneale Houghton, Principal Council Officer

Gareth Perkins, Administration Officer

Talina Drabsch, Director

Chair's foreword

I am pleased to present the Public Accountability and Works Committee report on its review of the *Design and Building Practitioners Act 2020* (DBP Act) and the *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020* (RAB Act). The report also considers various legislative proposals and draft government bills that are intended to repeal the DBP Act and RAB Act.

It became clear throughout the committee's review, that while the overarching policy objectives of the DBP Act and the RAB Act remain valid, namely to strengthen consumer protection and increase consumer confidence, there is nonetheless room for improvement in how this is achieved.

Throughout this inquiry, participants shared examples of some of the consequences of the existing legislative framework, such as increased costs and complexity and workforce shortages. These in turn have undermined the State's ability to effectively respond to the housing crisis. While the committee recognises that some of these impacts are a necessary consequence of ensuring buildings are safe and compliant, we have nonetheless made several recommendations in order to ensure an appropriate balance is achieved.

One such recommendation is that the NSW Government consider non-tertiary pathways to registration for practitioners with significant industry experience. The committee also recommends that the Minister for Building liaise with state and federal counterparts to develop a nationally consistent registration framework, and that the NSW Government liaise with industry stakeholders to identify potential strategies to reduce complexity and costs, without compromising the overarching objectives.

As has been underscored by the committee consistently throughout this report, a key source of frustration was the lack of transparency by the NSW Government concerning the draft building bills that seek to replace the DBP Act and RAB Act. Despite multiple requests, and despite them having provided it to a number of stakeholders, the NSW Government did not provide the committee with a copy of the draft building bill. This subsequently undermined our ability to evaluate the proposed framework, determine whether it effectively addresses key issues, and also made it difficult for us to fully understand and weigh up concerns raised by participants. Furthermore, it has contributed to confusion amongst industry stakeholders, many of whom expressed heightened anxiety regarding the final content of a building bill. It is also clear that the consultation process could be improved. Based on the information available to the committee concerning the draft government bills, the committee has recommended that the NSW Government publish a policy statement outlining the intention of the draft building bills as soon as possible and undertake additional consultation with all relevant stakeholders concerning the draft regulations.

I would like to express my appreciation to all inquiry participants for sharing their insights with the committee, which have informed the findings and recommendations set out in this report. I also thank my committee colleagues and the secretariat for their efforts.

Ms Abigail Boyd MLC
Committee Chair

Findings

Finding 1

34

The government's refusal to provide the committee with draft building bills intended to replace the *Design and Building Practitioners Act 2020* and the *Residential Apartment Building (Compliance and Enforcement Powers) Act 2020*, despite sharing them with industry stakeholders, impacted the ability of this committee to adequately undertake this statutory review.

Finding 2

36

While the overarching objectives of the *Design and Building Practitioner Act 2020* and the *Residential Apartment Building (Compliance and Enforcement) Act 2020* are valid, there is room for improvement in the outworking of certain provisions of the Acts so as to more effectively secure these objectives.

Finding 3

47

The consultation process by the government on the draft building bills and potential regulations has lacked transparency and consistency across all stakeholders, leading to confusion in the industry. Notwithstanding this, the committee acknowledges that the Government did extend the consultation period at the request of industry stakeholders.

Recommendations

- Recommendation 1** 35
That the NSW Government consider non-tertiary pathways to registration for relevant practitioners with significant industry experience (10-years or more) and who have certificates III, IV or diploma-level qualifications.
- Recommendation 2** 35
That the NSW Government consider establishing a pathway to registration and licensing for interior designers under the Design and Building Practitioners Regulation 2021, or alternatively under the consolidated building bills and associated regulations.
- Recommendation 3** 35
That the Minister for Building liaise with their state and federal counterparts to develop a nationally consistent registration framework for building practitioners that does not compromise the standards and objectives underpinning the framework in New South Wales.
- Recommendation 4** 36
That the NSW Government establish a new dispute resolution process for building defects that:
- provides for mandatory mediation
 - places a formal stay on proceedings for a fixed period to ensure the limitation period is paused
 - for transitional purposes, places a formal stay on proceedings on any legal proceedings already underway
 - provides adequate resources and funding to Building Commission NSW to ensure timely and efficient resolution of disputes.
- Recommendation 5** 37
That any future legislation which replaces the *Design and Building Practitioners Act 2020* and *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020* explicitly refer to policy objectives of these Acts being to strengthen consumer protection and increase consumer confidence.
- Recommendation 6** 37
That the NSW Government liaise with industry stakeholders to identify potential strategies to reduce complexity and costs, without compromising the essential objectives of the existing framework.
- Recommendation 7** 48
That the NSW Government publish a policy statement outlining the intention of the draft building bills as soon as possible.
- Recommendation 8** 48
That the NSW Government, as a matter of urgency, undertake additional consultation with all relevant stakeholders concerning the proposed regulations that will accompany the draft building bills.

Recommendation 9

48

That the NSW Government and Department of Customer Services review its consultation processes to ensure more effective and timely engagement with industry and all relevant stakeholders in the future.

Conduct of inquiry

The terms of reference for the inquiry were adopted by the committee on 21 May 2024.

The committee received 54 submissions and 8 supplementary submissions.

The committee held two public hearings at Parliament House in Sydney.

Inquiry related documents are available on the committee's website, including submissions, hearing transcripts, tabled documents and answers to questions on notice.

Chapter 1 Background

This chapter provides an overview of the relevant regulatory controls governing building and construction work in New South Wales. It starts by providing historical context for the existing legislative framework. In doing so, it refers to the Shergold Weir report, a national report published in 2018 that examined the effectiveness of compliance and enforcement systems for the building and construction sector. Then it identifies the purpose and key provisions of the *Design and Building Practitioners Act 2020* and the *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020*. Recent regulatory reform is considered, including the establishment of Building Commission NSW, Project Intervene, and the roll out of decennial liability insurance under the *Strata Schemes Management Act 2015*. In considering recent reform, it refers to relevant parliamentary inquiries that had been undertaken by the former Public Accountability Committee. Finally, this chapter provides a summary of the government-led consultation concerning the draft consolidated building bills.

Historical context and relevant regulatory controls

- 1.1 In February 2018, the 'Building Confidence: Improving the effectiveness of compliance and enforcement systems for the building and constructions industry across Australia' report (also known as the Shergold Weir report) was published.¹
- 1.2 The Shergold Weir Report was commissioned by the national Building Ministers' Forum following the Grenfell Tower fire in London on 14 June 2017.² The report was authored by Professor Peter Shergold and Ms Bronwyn Weir and examined a wide array of issues, including:
 - roles, responsibilities and accountabilities of different parties
 - education and training
 - licensing and accreditation
 - accuracy of design and documentation
 - quality control and assurance
 - competencies of practitioners
 - integrity of private certification
 - inspection regimes
 - auditing and enforcement practices
 - product importation and chain of custody.³

¹ Professor Peter Shergold AC and Ms Bronwyn Weir, *Building Confidence: Improving the effectiveness of compliance and enforcement systems for the building and construction industry across Australia*, February 2018, p i.

² Professor Peter Shergold AC and Ms Bronwyn Weir, *Building Confidence: Improving the effectiveness of compliance and enforcement systems for the building and construction industry across Australia*, February 2018, p i.

³ Professor Peter Shergold AC and Ms Bronwyn Weir, *Building Confidence: Improving the effectiveness of compliance and enforcement systems for the building and construction industry across Australia*, February 2018, p 3.

- 1.3 The report included 24 recommendations that:
- focus on registration and training for practitioners
 - address the roles and responsibilities of regulators
 - relate to the role of fire authorities in the building design and approvals process
 - focus on the integrity of private building surveyors
 - address the issue of collecting and sharing building information and intelligence
 - focus on the issues of adequacy of documentation and record keeping
 - emphasise the importance of inspection regimes
 - address the issue of post-construction information management
 - relate to building product safety
 - deal with the implementation of the recommendations.⁴
- 1.4 The former NSW Government responded to the Shergold Weir report in February 2019, expressing support for 'the vast majority' of the recommendations.⁵
- 1.5 The Shergold Weir report coincided with a period of low confidence in the construction sector in New South Wales, due to cases of non-compliance and the construction of defective buildings, such as the Mascot and Opal Towers.⁶
- 1.6 The *Design and Building Practitioners Act* 2020 (DBP Act) and *Residential Apartment Buildings (Compliance and Enforcement Powers) Act* 2020 (RAB Act) formed part of the former NSW Government's response to this situation. They were introduced to increase consumer confidence and accountability in the industry by uplifting 'regulatory oversight of apartment building construction'.⁷
- 1.7 In their submission, the government highlighted that both Acts serve several important purposes:
- create clear accountability from the design phase through to occupation, and seek to ensure that developers and practitioners produce compliant designs from the outset
 - prescribe obligations on those with the most control over project delivery

⁴ Professor Peter Shergold AC and Ms Bronwyn Weir, *Building Confidence: Improving the effectiveness of compliance and enforcement systems for the building and construction industry across Australia*, February 2018, p 5.

⁵ Department of Finance, Services and Innovation, *NSW Government Response to the Shergold Weir Building Confidence Report*, February 2019.
<https://www.fairtrading.nsw.gov.au/__data/assets/pdf_file/0007/451375/Response-to-Shergold-Weir-Building-Confidence-Report.pdf>.

⁶ *Hansard*, NSW Legislative Assembly, 23 October 2019, p 1657 (Kevin Anderson); *Hansard*, Legislative Council, 19 November 2019 (Damien Tudehope) p 1776; Submission 41, NSW Government, p 2; Submission 14, Kerin Benson Lawyers, p 1.

⁷ Submission 41, NSW Government, p 2.

- strengthen oversight of certification work by providing clearer processes for producing designs
- empower Building Commission NSW to proactively intervene in cases of non-compliance or where unsafe work occurs on regulated buildings.⁸

1.8 The DBP Act and RAB Act are complemented by other legislative instruments, including the *Architects Act 2003* and *Home Building Act 1989*. The NSW Government explained that the *Architects Act 2003* and *Home Building Act 1989* provide 'the Architects Registration Board and Trade Commission NSW with disciplinary and enforcement powers against registered practitioners who have produced non-compliant work or engaged in unprofessional conduct'.⁹

1.9 The main purpose of this inquiry was to conduct the required statutory review of the DBP Act and RAB Act.¹⁰ Specifically, the committee was tasked with examining the functions exercised or delegated by the Secretary under the DBP Act and RAB Act and to assess whether the policy objectives of both Acts remain valid and whether the terms of the Acts are effective in securing those objectives.¹¹

1.10 As part of the statutory review, it was originally intended that the committee also consider the desirability of establishing an independent NSW Building Commission to exercise the regulatory and oversight functions under the various legislation relating to the construction of buildings. However, Building Commission NSW was established on 1 December 2023, prior to the commencement of this inquiry.¹² Further information about Building Commission NSW is located later in this chapter.

1.11 A high-level summary of the DBP Act and RAB Act is provided in the subsections below. More detailed consideration of the Acts and related issues are included in chapter two.

Design and Building Practitioners Act 2020 (DBP Act)

1.12 The DBP Act was passed on 3 June 2020 with most reforms commencing on 1 July 2021.¹³ The Act introduced a number of notable provisions, including:

- a duty of care framework
- regulatory framework
- a requirement to prepare and lodge compliance declarations
- several obligations for registered building practitioners.

1.13 Additionally, the DBP Act grants 'comprehensive powers' to Building Commission NSW (via delegation from the Secretary) to 'ensure compliant, upfront designs and clear accountability

⁸ Submission 41, NSW Government, p 2.

⁹ Submission 41, NSW Government, p 2.

¹⁰ *Design and Building Practitioners Act 2020*, s 109; *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020*, s 69.

¹¹ *Design and Building Practitioners Act 2020*, s 2.

¹² Submission 41, NSW Government p 3.

¹³ Submission 41, NSW Government, p 4.

throughout the construction process, as well as remediation of defects in regulated buildings'.¹⁴ Regulated buildings include classes 2 (apartments), 3 (boarding houses and hostels) and 9c (residential care) buildings.¹⁵

- 1.14** Part 4 of the Act sets out the duty of care framework.¹⁶ Under this framework, persons carrying out construction work must take 'reasonable care to avoid economic loss caused by defects' arising from or in relation to the work undertaken.¹⁷ This duty of care is owed to existing and future owners of the land and cannot be delegated nor contracted out.¹⁸ It also applies retrospectively to construction work carried out up to ten years prior to the commencement of the DBP Act.¹⁹
- 1.15** The NSW Government advised that the DBP Act introduced 'a regulatory framework for the registration of design and building practitioners that prepare and/or declare plans, or carry out building work, for building elements and performance solutions'.²⁰ The Act also established a registration scheme for professional engineers.²¹
- 1.16** The compliance declaration scheme set out under the Act requires registered design practitioners, registered principal design practitioners, and registered building practitioners to provide and lodge compliance declarations before they start work on any regulated building.²² Among other things, compliance declarations may include a declaration that the regulated design or building work complies with the Building Code of Australia and other relevant standards, and that the declaration has been made by a registered practitioner.²³
- 1.17** Further to this, the compliance declaration process is complemented by additional obligations 'imposed on certifiers under the *Building and Development Certifiers Act 2018*, including a prescriptive Certifier Practice Standard'.²⁴ Under the DBP Act, all designs for building elements and performance solutions for regulated buildings must be prepared and declared by a registered design practitioner before a certifier can issue a construction certificate or complying development certificate.²⁵ This is complemented by the *Environmental Planning and Assessment Act 1979* and accompanying regulations, which impose an obligation on developers to notify Building Commission NSW before applying for an occupation certificate. This allows an inspection to occur and prevents the issuance of an occupation certificate if the commission identifies serious defects.²⁶

¹⁴ Submission 41, NSW Government, p 4.

¹⁵ Design and Building Practitioners Regulation 2021, cl 12(1).

¹⁶ *Design and Building Practitioners Act 2020*, Pt 4.

¹⁷ *Design and Building Practitioners Act 2020*, s 37(1).

¹⁸ *Design and Building Practitioners Act 2020*, ss 39 and 40; Submission 41, NSW Government, p 4.

¹⁹ Submission 41, NSW Government, p 5.

²⁰ Submission 41, NSW Government, p 5.

²¹ Submission 41, NSW Government, p 5.

²² *Design and Building Practitioners Act 2020*, ss 9, 12 and 17.

²³ *Design and Building Practitioners Act 2020*, s 8.

²⁴ Submission 41, NSW Government, p 2.

²⁵ Submission 41, NSW Government, p 2.

²⁶ Submission 41, NSW Government, p 2.

- 1.18** However, under the Design and Building Practitioners Regulation 2021 (DBP Regulation) 'certain lower risk work does not require a registered practitioner to prepare designs or declare that the design and/or work complies with the Building Code of Australia'.²⁷ The government explained that these exemptions were introduced 'in response to ongoing engagement with the community and industry representatives'.²⁸ Examples of exempt work are listed under clause 13 of the DBP Regulation.²⁹
- 1.19** The DBP Act also imposes a number of obligations on registered building practitioners, including:
- an obligation not to carry out work unless regulated designs have been obtained and compliance declarations provided³⁰
 - an obligation to declare variations for a building element or performance solution, to have a design with the variations prepared by a registered design practitioner and to obtain a compliance declaration from a registered design practitioner³¹
 - an obligation to take all reasonable steps to comply with applicable requirements of the Building Code of Australia.³²
- 1.20** There is ongoing work to improve the operation of the DBP Act including:
- the development of Practice Standards for Professional Engineers, which provides clear standards of work and behaviour for registered professional engineers
 - the establishment of the Vertical Transportation Industry Working Group to collaborate with the NSW Government on opportunities to produce targeted registration categories for lower risk vertical transportation work on regulated buildings and modernise regulation of the sector
 - the establishment of a NSW government and industry Remedial Building Work Working Group to create clear guidance and accountability for remedial and renovation work on existing buildings and identify opportunity to enhance how this sector is regulated
 - undertaking three industry roundtables to identify new ways to address professional indemnity insurance pressures
 - the provision of broad communications and engagement with industry and community to improve understanding of requirements under the DBP Act and to support strata bodies to keep cost of a remedial and renovation work under control by clarifying where work does not need to meet the declaration requirements under the Act.³³

²⁷ Submission 41, NSW Government, p 5; Design and Building Practitioners Regulation 2021, cl 13.

²⁸ Submission 41, NSW Government, p 6.

²⁹ Design and Building Practitioners Regulation 2021, cl 13.

³⁰ *Design and Building Practitioners Act 2020*, s 19.

³¹ *Design and Building Practitioners Act 2020*, s 20.

³² *Design and Building Practitioners Act 2020*, s 22(1).

³³ Submission 41, NSW Government, p 6.

Residential Apartment Building (Compliance and Enforcement Powers) Act 2020 (RAB Act)

- 1.21** The RAB Act commenced on 1 September 2020.³⁴ The Act empowers Building Commission NSW (via delegation from the Secretary) to proactively enforce building laws in New South Wales. These powers are triggered by the creation of a new defect category – 'serious defect', which enables the commission to audit building work on classes 2, 3 and 9c buildings during construction and post-occupation.³⁵
- 1.22** Under the RAB Act, Building Commission NSW has power to:
- enter into an undertaking with the at fault party to rectify defects or resolve underlying causes of defects³⁶
 - issue stop work orders³⁷
 - issue building rectification orders³⁸
 - issue a prohibition order to prevent a certifier from issuing an occupation certificate.³⁹
- 1.23** Details of the orders made by Building Commission NSW are published online, with follow-up inspections undertaken as required, to ensure compliance.⁴⁰
- 1.24** In addition, the RAB Act requires developers to give Building Commission NSW at least six months' notice of their intention to apply for an occupation certificate. This is also known as an expected completion notice.⁴¹
- 1.25** Following its commencement, the RAB Act and its accompanying Residential Apartment Buildings (Compliance and Enforcement Powers) Regulation 2020 (RAB Regulation) have been amended. Some of these amendments include:
- increased penalties for non-compliance with orders and directions made by the commission
 - a levy imposed on developers to partially offset costs of the commission's audit program
 - expanded grounds for issuing a prohibition order
 - enhancement of the way undertakings can be used
 - expanded power to order a developer to engage a suitable qualified person to provide information or work on an issue to leverage broad industry expertise to resolve defects

³⁴ *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020*, s 2.

³⁵ Submission 41, NSW Government, p 6.

³⁶ *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020*, s 28.

³⁷ *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020*, s 29.

³⁸ *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020*, s 9.

³⁹ *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020*, s 9.

⁴⁰ Submission 41, NSW Government, p 7.

⁴¹ Submission 41, NSW Government, p 6; *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020*, s 7.

- strengthening of the commission's powers to publicise orders and outcomes of inspections through publishing remedial orders online and allowing a court to issue publicity orders.⁴²

Past inquiries and recent regulatory reform

- 1.26** Previous parliamentary committees have conducted inquiries into the regulation of building standards. The Public Accountability Committee conducted inquiries into various aspects of building regulation in 2019 and 2021.⁴³
- 1.27** In 2019 the committee commenced its inquiry into the regulation of building standards, building quality and building disputes.⁴⁴ In its first report, tabled on 13 November 2019, the committee made 19 recommendations, which included calling for:
- the establishment of a Building Commission as an independent statutory body with broad powers and sufficient resourcing and funding⁴⁵
 - extending the timeframe for statutory warranties for residential buildings to a minimum of seven years for major and minor defects⁴⁶
 - amendments to Design and Building Practitioners Bill 2019 to address stakeholder concerns, including those relating to duty of care provisions.⁴⁷
- 1.28** In its final report, tabled on 30 April 2020, the committee made an additional 22 recommendations primarily focused on matters relating to flammable cladding, certification, and the role of strata committees in responding to building defects.⁴⁸ Additionally, the Public Accountability Committee recommended that:
- the NSW Building Commissioner be empowered 'to oversee all licencing inspections ... and that the Building Commission hire additional, specialised inspectors to create a more robust inspection regime for building, electrical and plumbing work'⁴⁹

⁴² Submission 41, NSW Government, p 7.

⁴³ Public Accountability Committee, NSW Legislative Council, *Regulation of building standards, building quality and building disputes – First report* (2019); Public Accountability Committee, NSW Legislative Council, *Regulation of building standards, building quality and building disputes – Final report* (2020); Public Accountability Committee, NSW Legislative Council, *Further inquiry into the regulation of building standards* (2022).

⁴⁴ Public Accountability Committee, *Regulation of building standards, building quality and building disputes – First report* (2019), p vii.

⁴⁵ Public Accountability Committee, *Regulation of building standards, building quality and building disputes – First report* (2019), recommendation 5.

⁴⁶ Public Accountability Committee, *Regulation of building standards, building quality and building disputes – First report* (2019), recommendation 7.

⁴⁷ Public Accountability Committee, *Regulation of building standards, building quality and building disputes – First report* (2019), recommendation 13.

⁴⁸ Public Accountability Committee, *Regulation of building standards, building quality and building disputes – Final report* (2020), pp x-xiii.

⁴⁹ Public Accountability Committee, *Regulation of building standards, building quality and building disputes – Final report* (2020), recommendation 3.

- the government review the NSW Civil and Administrative Tribunal (NCAT) dispute resolution process for disputes relating to strata buildings to ensure NCAT has sufficient enforcement powers, simplify and streamline the dispute resolution process, and ensure that tribunal members have the relevant expertise.⁵⁰

1.29 In 2021, the committee commenced a follow up inquiry to further examine the regulation of building standards in New South Wales.⁵¹ Its final report, tabled on 25 February 2022, included 20 recommendations reiterating previous recommendations⁵² and identifying further opportunities for systemic reform to better protect homeowners and prevent future building defects.⁵³ One of the committee's recommendations related to the government's proposed 'privately run ratings system for developers'.⁵⁴ In response to this proposal, the committee recommended that the government ensure such a ratings system 'at a minimum be managed and closely overseen by a government agency, ideally the created Building Commission'.⁵⁵

1.30 In their submission, the NSW Government reported that a number of regulatory reforms were subsequently implemented, including but not limited to the following:

- the expansion of the Building Commission NSW's enforcement powers into low rise residential construction and shared accommodation
- the establishment of the Independent Construction Industry Rating Tool (iCIRT) an industry-led market surveillance tool that can be used to assess building professionals
- the roll out of decennial liability insurance that enables owners corporations to have a serious defect fixed up to ten years after an apartment building is first occupied
- delivering Project Intervene, which has seen Building Commission NSW take 'a more active role in negotiating undertakings with developers for the benefit of the owners' corporations living in existing class 2 buildings, who are currently experiencing building defects'
- ongoing audits of designs and building work on class 2 buildings.⁵⁶

⁵⁰ Public Accountability Committee, *Regulation of building standards, building quality and building disputes – Final report* (2020), recommendation 20.

⁵¹ Public Accountability Committee, *Further inquiry into the regulation of building standards* (2022), p 1.

⁵² Public Accountability Committee, *Further inquiry into the regulation of building standards* (2022), recommendation 1.

⁵³ Public Accountability Committee, *Further inquiry into the regulation of building standards* (2022), pp 1, 30.

⁵⁴ Public Accountability Committee, *Further inquiry into the regulation of building standards* (2022), pp 56-58 and 63-64.

⁵⁵ Public Accountability Committee, *Further inquiry into the regulation of building standards* (2022), recommendation 15.

⁵⁶ Submission 41, NSW Government, p 3. See also: Building Commission NSW, *Restoring confidence in the construction industry using iCIRT to rate building professionals*, (1 December 2023) <https://www.nsw.gov.au/departments-and-agencies/building-commission/icirt>; Building Commission NSW, *Ten year defect insurance for apartment buildings*, (3 October 2023) <https://www.nsw.gov.au/housing-and-construction/strata/ten-year-defect-insurance-for-apartment-buildings>.

- 1.31** The government further noted that these reforms have provided consumers with the 'tools to distinguish between trustworthy and risky construction companies', while also expanding the government's powers to 'prevent and halt risky developments to protect consumers'.⁵⁷
- 1.32** Further information about the role of Building Commission NSW, decennial liability insurance and Project Intervene is provided below.

Building Commission NSW

- 1.33** Building Commission NSW was established as the regulator of the state's building industry on 1 December 2023. Its singular focus is to restore confidence to the construction sector in New South Wales by 'uplifting industry capability and standards of work, providing consumers with greater confidence in quality housing coming to market'.⁵⁸ The commission builds upon the earlier work of the NSW Fair Trading and NSW Building Commission 'to strengthen oversight of the construction industry'.⁵⁹
- 1.34** The commission received dedicated government funding of \$24 million in 2023/24 and \$35 million in 2024/25.⁶⁰ The regulator is overseen and supported by the Department of Customer Service and has a dedicated team 'to deliver its ongoing core functions and meet industry and community expectations'.⁶¹

Decennial liability insurance

- 1.35** Decennial liability insurance is an insurance product that enables owners corporations to have a serious defect fixed up to ten years after an apartment building is first occupied.⁶² It was introduced under the *Strata Scheme Management Act 2015* as an alternative to the existing strata bond inspection scheme.⁶³

Project Intervene

- 1.36** Project Intervene was established as a program to enable eligible owner corporations and developers to negotiate an agreement to remediate serious defects without commencing legal action.⁶⁴ It aims to ensure that serious defects to common property are fixed in a timely and

⁵⁷ Submission 41, NSW Government, p 3.

⁵⁸ Submission 41, NSW Government, p 3.

⁵⁹ Submission 41, NSW Government, p 3.

⁶⁰ Submission 41, NSW Government, p 3.

⁶¹ Submission 41, NSW Government, p 3.

⁶² Building Commission NSW, *Ten year defect insurance for apartment buildings*, (3 October 2023) <https://www.nsw.gov.au/housing-and-construction/strata/ten-year-defect-insurance-for-apartment-buildings>.

⁶³ Submission 41, NSW Government, p 2.

⁶⁴ Building Commission NSW, *Project Intervene: Resolving serious defects in residential apartment buildings*, <https://www.nsw.gov.au/departments-and-agencies/building-commission/project-intervene#:~:text=Project%20Intervene%20works%20to%20negotiate,defects%20in%20the%20common%20property>.

cost-effective way.⁶⁵ Under the scheme, Building Commission NSW can use its powers under the RAB Act to compel a developer or builder to remediate serious defects.

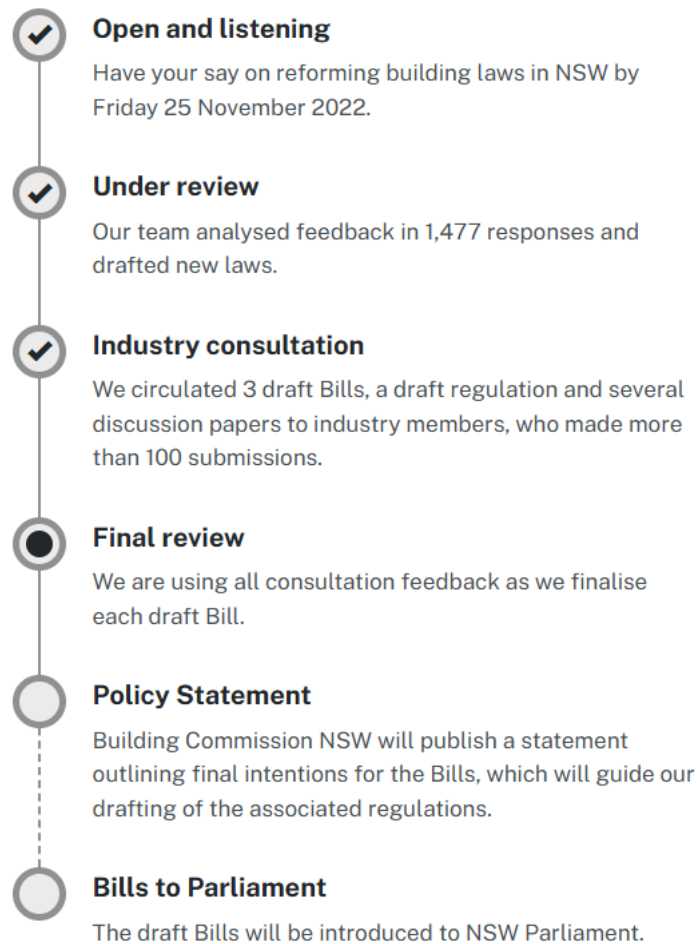
Government-led consultation for draft consolidated building bills

- 1.37** Consultation concerning proposed further reform to building laws in New South Wales commenced prior to the 2023 election. Public consultation commenced in 2022, and stakeholders were invited to complete an all-in-one survey, make a submission, or respond directly to questions in the regulatory impact statements.⁶⁶ The government received 1,477 responses, and this feedback was then used by the government to draft the proposed bills.
- 1.38** In 2024, three draft bills and several discussion papers were shared with industry stakeholders for consideration and feedback. The government received more than 100 submissions in response.⁶⁷ At the time of writing, the NSW Government is using stakeholder feedback to finalise the draft bills. Following this, Building Commission NSW will publish a policy statement outlining the final intentions of the bills, which will be used to inform drafting of regulations. The draft bills will then be introduced to Parliament.
- 1.39** A visual timeline of the government-led consultation is provided in Figure 1 below.

⁶⁵ Building Commission NSW is no longer taking new applications for Project Intervene. See: Building Commission NSW, *Project Intervene: Resolving serious defects in residential apartment buildings*, <https://www.nsw.gov.au/departments-and-agencies/building-commission/project-intervene#:~:text=Project%20Intervene%20works%20to%20negotiate,defects%20in%20the%20common%20property.>

⁶⁶ Department of Customer Service, *Have your say: Reforming building laws in NSW*, https://www.haveyoursay.nsw.gov.au/reforming-building-laws?utm_medium=email&utm_source=edms.

⁶⁷ Department of Customer Service, *Have your say: Reforming building laws in NSW*, https://www.haveyoursay.nsw.gov.au/reforming-building-laws?utm_medium=email&utm_source=edms.

Figure 1 Timeline of NSW Government consultation**Timeline**

Source: Department of Customer Service, *Have your say: Reforming building laws in NSW*, https://www.haveyoursay.nsw.gov.au/reforming-building-laws?utm_medium=email&utm_source=edms

- 1.40** The NSW Government advised that it is committed to 'creating plain English consolidated Building legislation to reduce red tape and duplication and allow consumers to be better informed'.⁶⁸ As part of its commitment to 'comprehensive reform of the building industry', the government has undertaken consultation with industry, unions and other stakeholders on proposed legislation to consolidate legislative instruments covering the construction sector.⁶⁹ The government stated that the proposed legislation would repeal the DBP Act, RAB Act and other building legislation 'to create a consistent, fit for purpose, more streamlined and modern building regulatory framework'.⁷⁰
- 1.41** On 27 June 2025, the terms of reference for this inquiry were amended to include consideration of legislative proposals or draft government bills that intend to repeal the DBP Act and RAB

⁶⁸ Submission 41, NSW Government, p 4.

⁶⁹ Submission 41, NSW Government, p 1.

⁷⁰ Submission 41, NSW Government, p 1.

Act in recognition of the government's ongoing consultation with industry stakeholders regarding its draft consolidated building bill.

- 1.42** The committee requested a copy of the draft building bills that were shared with industry stakeholders, however the Government refused this request.⁷¹
- 1.43** The draft consolidated building bills are further considered in chapter 3.

⁷¹ Letter from Chair to the Hon. Anoulack Chanthivong MP, Minister for Building, 9 April 2025; Letter from the Hon. Anoulack Chanthivong MP, Minister for Building, to Chair, 17 April 2025; Letter from Chair to the Hon. Anoulack Chanthivong MP, Minister for Building, 2 May 2025; Letter from the Hon. Anoulack Chanthivong MP, Minister for Building, to Chair, 14 May 2025; Letter from the Hon. Anoulack Chanthivong MP, Minister for Building, to Chair, 27 May 2025; Letter from Chair to the Hon. Anoulack Chanthivong MP, Minister for Building, 15 August 2025; Email from Ms Alicia Sylvester, Director of Policy, Office of the Hon Anoulack Chanthivong MP, to Chair, 25 August 2025.

Chapter 2 Review of current building legislation

This chapter begins by outlining the purpose of the committee's review of the *Design and Building Practitioner Act 2020* (DBP Act) and the *Residential Apartment Building (Compliance and Enforcement) Act 2020* (RAB Act) and acknowledging concerns from inquiry participants in relation to the timing of this inquiry. It then examines the functions exercised or delegated by the Secretary under the DBP Act and RAB Act and identifies key issues raised by inquiry participants, specifically in relation to registration and licensing, and dispute resolution. Next, it considers the policy objectives of the DBP Act and RAB Act and whether these objectives are still valid. Finally, this chapter assesses whether the terms of the DBP Act and RAB Act are effective in securing these objectives, and in doing so examines concerns raised by inquiry participants regarding the operation of the Acts.

Purpose and timing of statutory review

- 2.1 As noted in chapter 1, the initial purpose of this inquiry was to examine the functions exercised or delegated by the Secretary under the DBP Act and RAB Act, to assess whether the policy objectives of both Acts remain valid and in doing so, assess whether the terms of the Acts are effective in securing those objectives.⁷²
- 2.2 Some inquiry participants raised concerns regarding the timing of this statutory review.⁷³ Some participants said that it was too early to conduct a statutory review of the Acts.⁷⁴ Other concerns related to the appropriateness of conducting the current review while reforms to building laws in New South Wales are in development with the government consultation still underway with industry stakeholders.⁷⁵
- 2.3 Both of these concerns were underscored by the Law Society of NSW, who were of the view that while the relevant sections of the DBP Act and RAB Act provide for a statutory review to be undertaken 'much sooner than the usual five-year period', it is too early to consider whether the Acts are operating effectively to secure their policy objectives.⁷⁶ Further, the Law Society stated that the proposed Building Bill will have 'significant ramifications' on the committee's review of the DBP Act and RAB Act and therefore it would be 'appropriate to defer any potential suggested legislative amendments until the provisions of the Building Bill are settled'.⁷⁷
- 2.4 In response to these concerns, the committee asked the NSW Government to provide it with a copy of the draft bills and submissions received during consultation to further inform the inquiry.⁷⁸ In response to this request, the NSW Government provided the committee with copies of some submissions from industry stakeholders made as part of the government's

⁷² *Design and Building Practitioners Act 2020*, s 2.

⁷³ For example: Submission 5, the Law Society of NSW, pp 1-2; Submission 23, Fire Protection Association Australia, p 1.

⁷⁴ For example: Submission 5, the Law Society of NSW, pp 1-2.

⁷⁵ For example: Submission 5, the Law Society of NSW, pp 1-2; Submission 23, Fire Protection Association Australia, p 1.

⁷⁶ Submission 5, the Law Society of NSW, p 1.

⁷⁷ Submission 5, the Law Society of NSW, pp 1-2.

⁷⁸ Letter from Chair to the Hon. Anoulack Chanthivong MP, Minister for Building, 9 April 2025.

consultation on the draft bills. However, the government declined the requests to provide a copy of the draft bills.⁷⁹

Functions exercised by the Secretary

2.5 As noted in chapter 1, the DBP Act and RAB Act grant several powers to the Secretary of the Department of Customer Services that may be delegated to Building Commission NSW. These powers include:

- ensuring compliant, upfront designs and clear accountability throughout the construction process and remediation of defects in regulated buildings⁸⁰
- conditions for registration⁸¹
- enforcement powers.⁸²

2.6 Throughout the inquiry, participants shared their assessment of the functions exercised by the Secretary under the DBP Act and RAB Act, including those delegated by the Secretary to Building Commission NSW.

2.7 Reflecting on his tenure as the former NSW Building Commissioner, Mr David Chandler shared that he 'didn't feel terribly constrained' by the provisions of the Acts and that when issues arose, they were quickly and efficiently addressed through amendments to the legislation and regulations.⁸³

2.8 While other inquiry participants were positive about the functions exercised and delegated by the Secretary, most recognised that there is room for improvement.⁸⁴ In particular, inquiry participants raised concerns in relation to:

- registration and licensing⁸⁵
- dispute resolution⁸⁶

⁷⁹ Letter from the Hon. Anoulack Chanthivong MP, Minister for Building, to Chair, 17 April 2025; Letter from Chair to the Hon. Anoulack Chanthivong MP, Minister for Building, 2 May 2025; Letter from the Hon. Anoulack Chanthivong MP, Minister for Building, to Chair, 14 May 2025; Letter from the Hon. Anoulack Chanthivong MP, Minister for Building, to Chair, 27 May 2025; Letter from Chair to the Hon. Anoulack Chanthivong MP, Minister for Building, 15 August 2025; Email from Ms Alicia Sylvester, Director of Policy, Office of the Hon Anoulack Chanthivong MP, to Chair, 25 August 2025.

⁸⁰ Submission 41, NSW Government, p 4.

⁸¹ *Design and Building Practitioners Act 2020*, s 49.

⁸² Submission 41, NSW Government, p 6; *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020*, s 2.

⁸³ Evidence, Mr David Chandler, former NSW Building Commissioner 19 September 2025, pp 3-4.

⁸⁴ For example: Submission 40, Australian Institute of Building Surveyors, p 3.

⁸⁵ For example: Submission 44, Design Institute of Australia, pp 1-2; Submission 54, Master Builders NSW, pp 4-5; Submission 26, AIRAH, p 1; Submission 43a, Australian Institute of Architects, p 5; Submission 19, Engineers Australia, p 4.

⁸⁶ For example: Submission 5, Law Society of NSW, p 4; Submission 21, Urban Development Institute of Australia, pp 5-6.

- enforcement powers.⁸⁷

2.9 These concerns are outlined in the subsections below

Registration and licensing

2.10 As noted in chapter 1, the DBP Act introduced a regulatory framework for the registration of design and building practitioners as well as a registration scheme for professional engineers.⁸⁸ Some inquiry participants were critical of:

- the exclusion of interior designers as a recognised class of registered practitioners⁸⁹
- registration requirements⁹⁰
- inconsistency with other jurisdictions.⁹¹

2.11 These are examined in turn below.

Exclusion of interior design professionals

2.12 Section 54 of the DBP Act provides for the creation of regulations 'for or with respect to the recognition of persons or classes of persons as registered practitioners under the Act'.⁹² However, the Design Institute of Australia advised that despite this broad language, the Department of Customer Service excluded interior design professionals from the Design Practitioners Registration Classes.⁹³ The institute argued that this exclusion has led to public safety concerns and undermines professional equity.⁹⁴

2.13 This was reiterated by Ms Jo-Ann Kellock, Chief Executive Officer, Design Institute of Australia, who told the committee that the exclusion of interior designers from the registration and licensing framework has led to a loss of income and livelihood and undervalues the valuable work of interior designers.⁹⁵ She further noted that this is inconsistent with the Australian Bureau of Statistics (ABS) Occupation Standard Classification for Australia (OSCA):

Many of our leading interior design practices currently find themselves unable to work on apartment renovations coordinating specialist services for even the simplest of non-

⁸⁷ Submission 1, Dr Bruce Arnold, p 3.

⁸⁸ Submission 41, NSW Government, p 5.

⁸⁹ For example: Submission 44, Design Institute of Australia, pp 1-2; Evidence, Ms Jo-Ann Kellock, Chief Executive Officer, Design Institute of Australia, 11 August 2025, p 2.

⁹⁰ For example: Submission 54, Master Builders NSW, pp 4-5; Submission 26, Australian Institute of Refrigeration, Air Conditioning and Heating, p 1; Submission 42, Australian Elevator Association, p 1; Submission 43a, Australian Institute of Architects, p 5.

⁹¹ For example: Submission 19, Engineers Australia, p 4; Evidence, Ms Bernadette Foley, Group Executive, Professional Standards and Engineering Practice, Engineers Australia, 11 August 2025, p 3.

⁹² *Design and Building Practitioners Act 2020*, s 54.

⁹³ Submission 44, Design Institute of Australia, p 1.

⁹⁴ Submission 44, Design Institute of Australia, p 2.

⁹⁵ Evidence, Ms Kellock, 11 August 2025, p 2.

load-bearing structural changes within enclosures or when a development application is triggered. This has caused a loss of income and livelihood across the profession, increased costs for the client and pushed the work into the hands of those unqualified to undertake it. [Interior designers] are risk mitigators and strong advocates for the end user. In the words of one of our members, we are the gatekeepers for our clients, keeping out poor-quality builders and suppliers. The restriction of their work now directly contradicts the 24 December publication of the ABS OSCA, which returned interior design to skill level 1—that's a degree qualification—explicitly recognising that interior designers detail and document new building work for construction and coordinate their clients, stakeholders, users and specialist consultants.⁹⁶

- 2.14** The Design Institute of Australia advocated for the recognition of interior designers in the registration and licensing framework underscoring that this will 'enhance public safety, ensure fair treatment for professions and contribute to a more comprehensive building design and practitioner regulatory system'.⁹⁷ Similar views and recommendations were shared by other inquiry participants.⁹⁸

Registration requirements

- 2.15** Under section 49 of the DBP Act, registration is subject to conditions imposed by the Act, associated regulations, and conditions imposed by the Secretary.⁹⁹
- 2.16** In this context, some inquiry participants underscored the importance of high-quality training in ensuring quality outcomes.¹⁰⁰ Mr Richard McEncroe, Consultant, Plumbing Industry Climate Action Centre, stated that practitioner competency is key to ensuring quality outcomes and that this is especially important in a system that relies to some extent on self-certification. He also recognised the costs associated with these programs and acknowledged funding provided by state and federal governments:

... the more reliant the system is on practitioner self-certification, the more important the input controls around quality of training and the verification of competency are at the front end. ... High-quality training doesn't just grow on trees, and industry has been fortunate enough to be supported by governments at State and Federal level, both in New South Wales and in other States, to provide funding support for both the facilities that can enable that but also the ongoing costs of training ... The focus on ensuring that the training at the front end of the compliance picture is high quality is increasingly critical.¹⁰¹

- 2.17** Additionally, Mr McEncroe stated that practitioner competency supported by proper, accredited training, 'strong licensing frameworks and overseen by good regulatory models is the

⁹⁶ Evidence, Ms Kellock, 11 August 2025, p 2.

⁹⁷ Submission 44, Design Institute of Australia, p 2.

⁹⁸ For example: Submission 2, Name suppressed, p 1; Submission 6, Forward Thinking Design, p 1; Submission 24, Catherine de Meur Interiors, p 1; Submission 25, Design Clarity Pty Ltd, p 1; Submission 29, Swerve Design, p 1; Submission 38, Ms Ash Guven, p 1; Submission 31, Name suppressed, p 1; Submission 32, Name suppressed, p 1.

⁹⁹ *Design and Building Practitioners Act 2020*, s 49.

¹⁰⁰ For example: Evidence, Mr Richard McEncroe, Consultant, Plumbing Industry Climate Action Centre, 11 August 2025, pp 30-31.

¹⁰¹ Evidence, Mr McEncroe, 11 August 2025, pp 30-31.

pathway we see to driving better outcomes for consumers and investors and everybody in the industry'.¹⁰²

- 2.18** However, some experienced practitioners reported difficulties in obtaining their registration under the existing framework and contended that this has contributed to the workforce shortage.¹⁰³
- 2.19** Master Builders NSW contended that the DBP Act 'imposes extensive and unrealistic experience requirements on builders seeking to obtain registration', and this has had a significant impact on rural communities, 'where most builders conduct a mix of multi-residential commercial and stand-alone residential housing as demand fluctuates'.¹⁰⁴ The association explained that whilst the builders have extensive experience, present requirements have reduced the number of registered builders available in rural areas, and 'attracting builders from metropolitan areas is challenging'.¹⁰⁵
- 2.20** Some inquiry participants were specifically critical of the lack of alternative pathways to registration for experienced practitioners who do not have tertiary qualifications.¹⁰⁶ For example, the Australian Institute of Refrigeration, Air Conditioning and Heating (AIRAH) advised that in New South Wales registered mechanical engineers are 'essentially required' to have a Washington Accord-accredited degree.¹⁰⁷ However, this can be a barrier to registration as there is a lack of Washington Accord tertiary courses available for heating, ventilation, air conditioning and refrigeration—building services.¹⁰⁸
- 2.21** Furthermore, AIRAH informed the committee that in its survey conducted in late-2023, more than half of the respondents either reported that their qualifications would not enable them to be registered as an engineer or they were unsure.¹⁰⁹ AIRAH noted that this was despite many respondents having extensive experience in the industry, emphasising the potential expertise that could be lost in New South Wales as a result:

More than 50 per cent of respondents said their qualifications would not enable them to become professionally registered as an engineer, or they weren't sure. About 85 per cent of respondents had more than 10 years' experience. About a third had more than 30 years' experience. This highlights the depth of knowledge we risk losing.¹¹⁰

¹⁰² Evidence, Mr McEncroe, 11 August 2025, p 31.

¹⁰³ For example: Submission 54, Master Builders NSW, pp 4-5; Submission 26, AIRAH, p 1; Submission 42, Australian Elevator Association, p 1.

¹⁰⁴ Submission 54, Master Builders NSW, pp 4-5.

¹⁰⁵ Submission 54, Master Builders NSW, p 5.

¹⁰⁶ For example: Submission 26, AIRAH, p 1; Evidence, Mr Mark Liversedge, General Manager, Australian Elevator Association, 11 August 2025, p 32.

¹⁰⁷ Submission 26, AIRAH, p 1. The Washington Accord is an international agreement between entities responsible for accrediting tertiary-level professional engineering qualifications. The Washington Accord establishes a common standard for quality professional engineering education across participating entities, and accredited engineering degree programs are mutually recognised. See: International Engineering Alliance, *Washington Accord*, <https://www.internationalengineeringalliance.org/accords/washington-accord>.

¹⁰⁸ Submission 26, AIRAH, p 1.

¹⁰⁹ Submission 26, AIRAH, p 1.

¹¹⁰ Submission 26, AIRAH, p 1.

- 2.22** AIRAH recommended that alternative pathways to registration be made available for engineers who do not have Washington Accord degrees.¹¹¹ AIRAH noted that it has been approved as an assessment entity by the ACT Government and could provide an assessment process in the area of heating, ventilation, air conditioning and refrigeration building services for engineers in New South Wales.¹¹²
- 2.23** The Australian Elevator Association also called for alternative pathways to registration for those working in the vertical transportation sector. In doing so, the association told the committee that requirements for registration as a design practitioner in vertical transportation:
- do not adequately account for the lack of persons who may have the relevant qualification, experience or interest in being a design practitioner
 - unnecessarily limit the classes of registration that a person may apply for, which reduces the ability of industry participants to be registered in areas in which they specialise
 - do not provide an adequate pathway for industry participants with extensive experience and certificate level qualifications to become design practitioners
 - place unnecessary focus on skills relating to construction activities when the primary role of persons involved in vertical transportation is the integration of vertical transport products into buildings and to ensure that those products operate safely.¹¹³
- 2.24** Underscoring the need for alternative pathways for registration, Mr Mark Liversedge, General Manager, Australian Elevator Association, reflected that the vertical transportation industry relies heavily on trade-based professionals with extensive experience but no tertiary qualifications.¹¹⁴ Mr Liversedge further remarked that the graduate diploma course developed through Western Sydney University has been withdrawn, which may create further challenges for individuals who wish to be registered as a design practitioner in vertical transportation.¹¹⁵
- 2.25** Mr Lindsay Le Compte, Policy Advisor, Australian Elevator Association, reassured the committee that providing an alternative pathway to registration would not mean that an individual with certificate level qualification in the vertical transportation sector could work on 40 to 50 storey apartment building. These alternative pathways would instead be helpful when considering such factors as workforce shortages, project costs and the different types of products that may be installed by those in this sector, including stair lifts and other short-form types of vertical transport.¹¹⁶

¹¹¹ The Washington Accord is an international agreement between entities responsible for accrediting tertiary-level professional engineering qualifications. The Washington Accord establishes a common standard for quality professional engineering education across participating entities, and accredited engineering degree programs are mutually recognised. See: International Engineering Alliance, *Washington Accord*, <https://www.internationalengineeringalliance.org/accords/washington-accord>.

¹¹² Submission 26, AIRAH, p 1.

¹¹³ Submission 42, Australian Elevator Association, p 1.

¹¹⁴ Evidence, Mr Liversedge, 11 August 2025, p 32.

¹¹⁵ Evidence, Mr Liversedge, 11 August 2025, p 28.

¹¹⁶ Evidence, Mr Lindsay Le Compte, Policy Advisor, Australian Elevator Association, 11 August 2025, p 33.

- 2.26** Another concern was the duplication of registration requirements for architects under the current framework. The Australian Institute of Architects advised that a 'best practice independent education and registrations process' is already in place for architects.¹¹⁷ To be registered under this independent process, architects are required to undertake 'the equivalent of a 5-year Masters Degree in architecture by an accredited university and 3300 supervised and logged hours' and complete a formal exam.¹¹⁸ The institute noted that the DBP registration framework was introduced for 'stakeholders who did not have an independent registration process' and argued that the requirement for architects to also be registered as a design practitioner under the DBP Regulation is unnecessary.¹¹⁹
- 2.27** In addition, the Australian Institute of Architects stated that it does not support the additional 'practical experience' requirement for registered architects set out under the DBP Regulation.¹²⁰ The institute argued that the independent registration process set out under the *Architects Act 2003* 'ensures that architects have the requisite experience to competently conduct their obligations ... Requiring an additional five years of practical experience would create a second registration process, which the Institute strongly opposes'.¹²¹

Inconsistency with other jurisdictions

- 2.28** Another concern that emerged was that some registration requirements in New South Wales are inconsistent with other jurisdictions, creating challenges for practitioners who work in different states and territories. Engineers Australia advised that registration of professional engineers is focused on the building sector in New South Wales.¹²² In contrast, other jurisdictions, including Queensland, Victoria and the Australian Capital Territory, have implemented standalone legislation governing the registration of engineers that:
- extends beyond the building sector, 'safeguarding the community across a much broader range of industries and disciplines of engineering'
 - more appropriately captures the 'range of individual engineers' models of employment and practice'.¹²³
- 2.29** Engineers Australia noted that while there are some similarities between New South Wales and other jurisdictions, there are inconsistencies in process that do not fully allow for effective Automatic Mutual Recognition, to enable engineers registered in New South Wales to practice in other states without reassessment or additional registration fees so long as it is within the scope of work permitted in their home state.¹²⁴ Engineers Australia further explained that Automatic Mutual Recognition for Engineers in New South Wales is impacted by 'limitations

¹¹⁷ Submission 43a, Australian Institute of Architects, p 5.

¹¹⁸ Submission 43a, Australian Institute of Architects, p 5.

¹¹⁹ Submission 43a, Australian Institute of Architects, p 5.

¹²⁰ Submission 43, Australian Institute of Architects, p 5; see also: Design and Building Practitioners Regulation 2021, Sch 2, cl 3A.

¹²¹ Submission 43, Australian Institute of Architects, p 5.

¹²² Submission 19, Engineers Australia, p 4.

¹²³ Submission 19, Engineers Australia, p 4.

¹²⁴ Submission 19, Engineers Australia, p 6.

on scope (NSW restricts to certain classes of building), unspecified standard of competence, inconsistent assessment of competence, and variation in what constitutes eligible pathways'.¹²⁵

- 2.30** Ms Bernadette Foley, Group Executive, Professional Standards and Engineering Practice, Engineers Australia considered New South Wales to be 'a significant outlier' in the registration of engineers and called for a nationally consistent registration framework.¹²⁶ It was the view of Engineers Australia that harmonising registration for engineers in Australia and allowing for Automatic Mutual Recognition or Automatic Deemed Registration should be prioritised as it will ensure 'unnecessary regulatory frictions and administrative burden associated with navigating different systems does not impact productivity'.¹²⁷
- 2.31** Dr Bruce Arnold, Associate Professor at Canberra Law School, University of Canberra also called for a national approach to construction and residential development.¹²⁸ He submitted that determining 'regulatory best practice should be facilitated through joint work by the state/territory ministers' and that this has 'the potential to reduce consumer confusion ... and provide parliamentary [committees] with performance metrics for evaluating the effectiveness of the regulators in their jurisdiction'.¹²⁹

Dispute resolution: Project Intervene

- 2.32** As noted in chapter 1, Building Commission NSW can use its powers under the RAB Act (as delegated by the Secretary) to compel a developer or builder to remediate serious defects.¹³⁰
- 2.33** Mr Chandler, former Building NSW Commissioner, recollected that prior to the establishment of Project Intervene he observed 'extreme litigation' concerning building defects. He shared the following example of a matter involving lengthy and costly litigation where serious defects had not been addressed:

One of them, Otto 2, was well into litigation. The lawyer had been stoking the fires there for nearly three years and spent \$750,000, and not one single thing was fixed. We [Building Commission NSW] exercised the RAB Act and actually reached a situation where the developer put their hand in their pocket and made a significant contribution to that building.¹³¹

- 2.34** Mr Chandler also advised that prior to the establishment of Project Intervene owners corporations were noticeably reluctant to inform Building Commission NSW of serious defects, perhaps due to a belief that reaching out to the commission 'wouldn't lead to an outcome'.¹³²

¹²⁵ Submission 19, Engineers Australia, p 4.

¹²⁶ Evidence, Ms Foley, 11 August 2025, p 3.

¹²⁷ Evidence, Ms Foley, 11 August 2025, p 3.

¹²⁸ Submission 1, Dr Bruce Arnold, pp 3-4.

¹²⁹ Submission 1, Dr Bruce Arnold, p 4.

¹³⁰ Building Commission NSW, *Project Intervene: Resolving serious defects in residential apartment buildings*, <https://www.nsw.gov.au/departments-and-agencies/building-commission/project-intervene#:~:text=Project%20Intervene%20works%20to%20negotiate,defects%20in%20the%20common%20property>.

¹³¹ Evidence, Mr Chandler, 19 September 2025, p 7.

¹³² Evidence, Mr Chandler, 19 September 2025, p 7.

- 2.35** Some inquiry participants expressed concern about the existing dispute resolution framework.¹³³ The Law Society advised the committee that it is currently 'unclear whether an individual lot owner has standing in relation to the processes undertaken by Project Intervene', and that this needs to be clarified.¹³⁴
- 2.36** Additionally, the Law Society of NSW warned that Project Intervene may have a 'problematic impact' on proceedings that have already commenced before the Supreme Court, leading to delays and increased costs.¹³⁵ The Law Society explained that after the commission decides to exercise its powers under the RAB Act it prepares an audit report identifying serious defects before entering into negotiations with the builder to repair these defects. According to the Law Society of NSW, this process can take more than 12 months, and 'court proceedings are effectively stalled ... to avoid duplication of claims on the same defects'.¹³⁶
- 2.37** Further, the Law Society of NSW noted that after the commission and builder reach an agreement, the owners corporation needs to amend the expert evidence they submitted to the court by removing defects that are to be repaired under Project Intervene. The Law Society explained that this is not an easy process as different terms may be used to describe the defects in the commission audit report and the expert evidence, which may cause further delays and 'add to legal and expert costs'.¹³⁷ The Law Society of NSW recommended that the government consider the way in which Project Intervene impacts concurrent legal proceedings, and in doing so, consider how the process could be improved so that defect claims are dealt with in a more expedient and less costly manner.¹³⁸
- 2.38** As part of ensuring that disputes are resolved in a timely manner, Urban Development Institute of Australia underscored the importance of adequate resources and explained that a lack thereof has contributed to delays associated with Project Intervene.¹³⁹
- 2.39** Mr Chandler advised that he was 'mildly aware' of where the draft building bill was heading, and noted that the version of the bill he had seen included a provision that would require an owners corporation to notify Building Commission NSW of any serious defects identified, and its intention to have these defects resolved.¹⁴⁰ Mr Chandler said that he hopes this will 'immediately provoke the Building Commission to go out and inspect those defects upon notification'.¹⁴¹ Further to this, Mr Chandler hoped that the new dispute resolution framework would require owners corporations to engage with the Building Commission to 'get a ticket', before they can commence legal proceedings.¹⁴²

¹³³ For example: Submission 5, Law Society of NSW, p 4; Submission 21, Urban Development Institute of Australia, pp 5-7.

¹³⁴ Submission 5, Law Society of NSW, p 4.

¹³⁵ Submission 5, Law Society of NSW, p 4.

¹³⁶ Submission 5, Law Society of NSW, p 4.

¹³⁷ Submission 5, Law Society of NSW, p 4.

¹³⁸ Submission 5, Law Society of NSW, p 4.

¹³⁹ Submission 21, Urban Development Institute of Australia, p 5.

¹⁴⁰ Evidence, Mr Chandler, 19 September 2025, p 6.

¹⁴¹ Evidence, Mr Chandler, 19 September 2025, p 6.

¹⁴² Evidence, Mr Chandler, 19 September 2025, pp 6-7.

- 2.40** In a similar vein, Urban Development Institute of Australia advocated for the inclusion of mandatory mediation provisions in the draft building bills.¹⁴³ The institute recommended that the mediation process should:
- be triggered when a qualifying complaint or building defect dispute is lodged
 - mandate good-faith mediation
 - result in either a rectification plan enforceable by the Commissioner or a certificate allowing the matter to proceed to NSW Civil and Administrative Tribunal or court if unresolved.¹⁴⁴
- 2.41** Further, Urban Development Institute of Australia recommended that the mandatory mediation process include a formal stay on proceedings for a fixed period of time, during which the limitation period is paused. This stay period would also apply to any legal proceedings already underway.¹⁴⁵

Enforcement powers

- 2.42** Lastly, some inquiry participants were critical of the Secretary's enforcement powers under the DBP Act and RAB Act.¹⁴⁶ Dr Bruce Arnold remarked that the current penalty regime is 'inadequate' to deter 'under performance or non-compliance by large commercial entities', and called for the legislation to be amended to 'increase the maximum penalties'.¹⁴⁷
- 2.43** Similarly, the Plumbing Industry Climate Action Centre underscored that legislation 'needs to be backed up by robust and meaningful oversight, inspection and audit'.¹⁴⁸ They further noted that the current framework should be 'strongly enforced and backed up with appropriate sanctions and penalties' and that this is 'particularly important when it comes to holding developers to account'.¹⁴⁹
- 2.44** On the other hand, Master Builders NSW, described the current enforcement framework as 'heavy handed', 'disproportionate' and issued by Building Commission NSW 'without fair and reasonable consultation taking place'.¹⁵⁰ They argued that, as most of the construction and building sector is 'made up of small to medium businesses literally run by mums and dads', a more balanced approach to enforcement is needed, with an increased focus on education and awareness programs.¹⁵¹

¹⁴³ Submission 21a, Urban Development Institute of Australia, p 10.

¹⁴⁴ Submission 21, Urban Development Institute of Australia, pp 5-6.

¹⁴⁵ Submission 21, Urban Development Institute of Australia, pp 5-6.

¹⁴⁶ Submission 1, Dr Bruce Arnold, p 3.

¹⁴⁷ Submission 1, Dr Bruce Arnold, p 3.

¹⁴⁸ Submission 17, Plumbing Industry Climate Action Centre, p 2.

¹⁴⁹ Submission 17, Plumbing Industry Climate Action Centre, p 2.

¹⁵⁰ Submission 54, Master Builders NSW, p 8.

¹⁵¹ Submission 54, Master Builders NSW, p 8.

- 2.45 Connected to this, some inquiry participants raised concerns about the new penalties included in the draft building bill, which is further examined in chapter 3.¹⁵²

Objectives of the Acts

- 2.46 As set out in chapter 1, the DBP Act and RAB Act seek to strengthen consumer protection and increase consumer confidence. However, these objectives are not explicitly referenced in the Acts. The Law Society of New South Wales advised that while the objects can be ascertained from the explanatory memorandums, 'an express object provision would be beneficial ... to assist in the interpretation of their respective provisions'.¹⁵³ Despite the absence of an express object provision, the Law Society of NSW nonetheless confirmed that the objects of the DBP Act and RAB Act remain 'applicable and valid'.¹⁵⁴
- 2.47 In terms of whether the objectives are secured by the terms of the Acts, the NSW Government contended that both Acts have had a 'transformational' impact on the New South Wales construction sector, giving new homeowners greater confidence that their buildings are safe and compliant.¹⁵⁵ Further, the government advised that strata bodies have benefited from proactive design and building work oversight arising from the DBP Act and RAB Act, explaining that 'this uplift in information is supporting strata bodies to have more informed plans for maintenance of their buildings and to inform decisions around renovation or remediation'.¹⁵⁶
- 2.48 Throughout this inquiry, a number of participants expressed support for the overarching objectives of the DBP Act and RAB Act.¹⁵⁷ However, in considering the objects and terms of the Acts, several inquiry participants raised concerns in relation to:
- the duty of care provision¹⁵⁸
 - insurance requirements¹⁵⁹
 - compliance declarations and other documentation.¹⁶⁰

¹⁵² For example: Submission 43a, Australian Institute of Architects, p 10.

¹⁵³ Submission 5, Law Society of New South Wales, p 2.

¹⁵⁴ Submission 5, Law Society of New South Wales, p 2.

¹⁵⁵ Submission 41, NSW Government, p 2.

¹⁵⁶ Submission 41, NSW Government, p 2.

¹⁵⁷ For example: Submission 22, National Fire Association of Australia, p 1; Submission 27, Housing Industry Association, p 2; Submission 5, The Law Society of NSW, p 2; Submission 46, Property Council of Australia, p 2; Submission 42, Australian Elevator Association, p 1; Submission 43, Australian Institute of Architects, p 3.

¹⁵⁸ For example: Submission 5, The Law Society of NSW, pp 3-4; Evidence, Mr Tom Forrest, Chief Executive Officer, Urban Taskforce Australia, 11 August 2025, p 20.

¹⁵⁹ For example: Submission 27, Housing Industry Association, p 3; Submission 54, Master Builders NSW, p 4; Submission 46, Property Council of Australia, p 3; Evidence, Mr Forrest, 11 August 2025, p 25.

¹⁶⁰ For example: Submission 5, The Law Society of NSW, pp 2 and 3; Evidence, Mr Brad Armitage, NSW Executive Director, Housing Industry Association, 11 August 2025, pp 35 and 40; Submissions 50, Association of Consulting Architects, p 2-3; Submission 34, Owners Corporation Network of Australia, p 8; Evidence, Mr Forrest, 11 August 2025, p 2; Submission 50a, Association of Consulting Architects, p 4.

- 2.49** Each of these areas are examined in the subsections below.
- 2.50** In outlining their concerns, inquiry participants consistently referred to the following issues:
- complexity and increased costs¹⁶¹
 - workforce shortages¹⁶²
 - the housing crisis.¹⁶³
- 2.51** The Housing Industry Association told the committee that while it supports the fundamental principles of the DBP Act, 'some aspects are having a negative impact on the residential construction industry' caused by what it viewed as an overly complex and confusing regulatory framework.¹⁶⁴
- 2.52** The Law Society of NSW advised that workforce shortages, specifically the small number of registered design practitioners and registered building practitioners available, may be 'frustrating the objectives' of the DBP Act.¹⁶⁵ The Law Society of NSW also highlighted that the workforce shortage may cause delays in rectifying building defects, which may in turn expose owners corporations to potential damages claim for breaching their duty to maintain and repair property.¹⁶⁶
- 2.53** Referring to both the housing crisis and workforce shortage, Ms Katie Stevenson, New South Wales Executive Director, Property Council of Australia stated that while the Property Council of Australia supports the underlying principles of the Acts, legislative reform is necessary to ensure that they do not undermine housing supply and industry viability:
- Broadly, we support the principles underpinning these Acts ... However, after more than four years in operation, some elements of the legislation now require refinement to ensure that the framework remains fit for purpose and does not inadvertently undermine housing supply or industry viability. Our members have raised concerns about the complexity and cost burden of the regulatory framework which is creating uncertainty and driving up the cost of delivery at a time when we need more homes not fewer. Unintended consequences and the complexity of the existing legislative framework is driving experienced residential development professionals to other States and is further exacerbating the challenges preventing New South Wales from effectively addressing the housing crisis.¹⁶⁷
- 2.54** In response to criticism of the existing framework, including reports of builders and developers being held back by red tape, regulations and rules, and increased costs, Mr Chandler defended the reforms introduced by the DBP Act and RAB Act. He contended that the existing framework has made building projects more predictable and manageable, providing industry

¹⁶¹ For example: Submission 27, Housing Industry Association, p 2.

¹⁶² For example: Submission 5, Law Society of NSW, p 2.

¹⁶³ For example: Evidence, Ms Katie Stevenson, New South Wales Executive Director, Property Council of Australia, 11 August 2025, p 21.

¹⁶⁴ Submission 27, Housing Industry Association, p 2.

¹⁶⁵ Submission 5, Law Society of NSW, p 2.

¹⁶⁶ Submission 5, Law Society of NSW, p 2.

¹⁶⁷ Evidence, Ms Stevenson, 11 August 2025, p 21.

stakeholders with a clear set of rules and improved accountability.¹⁶⁸ Further, in relation to allegations of increased costs and delays, Mr Chandler stressed that getting things right the first time is essential – 'it's always cheaper to build it right the first time than it is to go back and do it again'.¹⁶⁹ As an example, he referred to a project that had cut corners when building bathrooms, ultimately increasing costs for the developer when repairs were required. He also noted that cutting corners often leads to costs being shifted onto the owner:

... as my colleagues at Botany discovered on that Toplace project where we had to pull out 280 bathrooms back in 2020. The developer advised me that they felt that they had saved about \$1,500 per bathroom by cutting corners. To go back and fix those bathrooms before the project was finished, they told me that it cost them \$15,000 per bathroom, so 10 times what they saved. Then in discussions with strata community and other owners I was led to the view that fixing the same problem in those bathrooms post-occupancy—that's in the hands of an owner—was \$35,000. Nickel and diming, that's cost shifting. That's not adding to the cost of construction. That's taking what construction done properly should look like. That's cost shifting it onto an owner. That's moving 1,500 bucks worth of nickels and dimes over to some poor owner down the track. If someone says to me, "Well, the cost of construction went up by \$1,500 a bathroom because we took that back and we put it back where it should have been", then that's the answer to your question.¹⁷⁰

- 2.55** In their submission, the NSW Government also underscored the substantial costs and impacts resulting from non-compliant substandard buildings and associated building defects:

The construction of non-compliant, substandard buildings represents a significant cost to consumers and the government ... Remedying building defects, particularly in large buildings, often takes several months or years. This has clear impacts for consumers at an individual level and also creates significant challenges for the property market due to the estimate \$3.9 billion in lost property value due to asset impairment in class 2 buildings.¹⁷¹

Duty of care

- 2.56** Several inquiry participants raised concerns about the duty of care provisions in the DBP Act stating that clarification is required following recent court decisions.¹⁷² The Law Society of NSW identified several areas where such clarification is needed.¹⁷³ They noted that these points of clarification could be addressed in the draft bills.
- 2.57** First, the Law Society of NSW noted that clarification is needed as to whether the duty of care provision is subject to the principal of apportionment as set out in Part 4 of the *Civil Liability*

¹⁶⁸ Evidence, Mr Chandler, 19 September 2025, p 5.

¹⁶⁹ Evidence, Mr Chandler, 19 September 2025, p 5.

¹⁷⁰ Evidence, Mr Chandler, 19 September 2025, p 5.

¹⁷¹ Submission 41, NSW Government, p 2.

¹⁷² For example: Submission 5, The Law Society of NSW, pp 3-4; Evidence, Mr Forrest, 11 August 2025, p 20; Evidence, Ms Kristy Eulenstein, Head of Policy and Government Relations, Consult Australia, 19 September 2025, p 16.

¹⁷³ Submission 5, The Law Society of NSW, pp 3-4.

*Act 2002 (CLA).*¹⁷⁴ They referred to the Court of Appeal's decision in *The Owners – Strata Plan No 84674 v Pafburn Pty Ltd* [2023] NSWCA 301 (the Pafburn decision) which found that the proportionate liability provisions of the *Civil Liability Act 2002* do not apply. This decision was subsequently affirmed by the High Court of Australia.¹⁷⁵

- 2.58** The Law Society of NSW submitted that, prior to this decision, it was their understanding that proportionate liability would apply.¹⁷⁶ They were of the view that if this is not the case, the government needs to consider the implications for industry stakeholders when obtaining appropriate insurance.¹⁷⁷
- 2.59** This position was reiterated by other inquiry participants including Mr Tom Forrest, Chief Executive Officer, Urban Taskforce Australia, who told the committee that the High Court's decision was contrary to the intention of the DBP Act.¹⁷⁸ He argued that all responsibility had been placed onto the developer as a result, leading to financiers stepping back from the funding of residential apartment buildings in New South Wales:

The Pafburn case essentially determined—contrary to the intention of the legislation, ... that the builder or developer shall be responsible for all of the accountability for all of what's gone wrong should there be a building failure or a major structural defect and collapse. It could not be apportioned amongst the consulting advisers that might have been responsible for that and ultimately it all goes to the developer. That's caused great concern amongst financiers. Financiers are now stepping back from funding residential apartment buildings. They are shifting their funding away from residential apartment buildings in New South Wales and into the same construction class in other States.¹⁷⁹

- 2.60** Mr Forrest further advised that he had been informed that this issue will be addressed in the consolidated building bill.¹⁸⁰
- 2.61** The second point highlighted by the Law Society of NSW concerned the need to clarify the intent of the non-delegation provision under section 39 of the DBP Act.¹⁸¹ The Law Society explained they had understood that the purpose of this provision was to prevent those who owed a duty of care from contracting out of this duty.¹⁸² They would not be wholly liable for all of the loss and damage, but only for that part of the loss and damage for which they were responsible.¹⁸³

¹⁷⁴ Submission 5, The Law Society of NSW, p 3.

¹⁷⁵ *Pafburn Pty Limited & Anor v. The Owners - Strata Plan No 84674* [2024] HCA 49.

¹⁷⁶ Submission 5, The Law Society of NSW, p 3.

¹⁷⁷ Submission 5, The Law Society of NSW, p 3.

¹⁷⁸ Evidence, Mr Forrest, 11 August 2025, p 20.

¹⁷⁹ Evidence, Mr Forrest, 11 August 2025, p 20.

¹⁸⁰ Evidence, Mr Forrest, 11 August 2025, pp 22 and 24.

¹⁸¹ Submission 5, The Law Society of NSW, p 3.

¹⁸² Submission 5, The Law Society of NSW, p 3.

¹⁸³ Submission 5, The Law Society of NSW, p 3.

- 2.62** Lastly, the Law Society of NSW advised that clarification is needed in relation to the requirements for proving loss and damages, and whether the duty of care provision is intended to extend to the personal liability of a director.¹⁸⁴

Insurance requirements

- 2.63** Under the DBP Regulation, registered practitioners are required to obtain adequate insurance.¹⁸⁵ Inquiry participants relayed that this requirement, in conjunction with the High Court's decision in Pafburn, has led to increased costs, confusion about coverage required and market challenges, including a lack of suitable insurance products.¹⁸⁶
- 2.64** Housing Industry Association and Master Builders NSW told the committee that there has been a 'significant increase in insurance premiums or new limitations on coverage for professional services', and these costs are passed down to the consumer.¹⁸⁷ Mr Brad Armitage, NSW Executive Director, Housing Industry Association, further explained that insurers have become more risk adverse about what they are willing to cover.¹⁸⁸
- 2.65** Property Council of Australia advised that builders and professionals are struggling to obtain appropriate insurance coverage.¹⁸⁹ In doing so, the council noted that the NSW Government has mistakenly assumed that all professional work will be covered by professional indemnity insurance and provides limited guidance to industry stakeholders as to what constitutes 'adequate' coverage.¹⁹⁰ Ms Katie Stevenson, New South Wales Executive Director, Property Council of Australia further remarked that this is contributing to professionals leaving the construction workforce in New South Wales.¹⁹¹
- 2.66** Consult Australia proposed that the obligations set out in the current framework be amended by placing an obligation on practitioners to be 'covered by insurance rather than an obligation... to confirm the adequacy' of coverage.¹⁹² Ms Kristy Eulenstein, Head of Policy and Government Relations, Consult Australia, explained why it would be appropriate to modify the obligation set out under the DBP Regulation:

Firstly, practitioners often do not have access to their company's professional indemnity insurance policy—except sole traders, of course. This is particularly so in complex global or large businesses. Secondly, as you would have all experienced with your own car insurance or home insurance or contents insurance, you don't really know if your cover is adequate until you lodge a claim and see if the insurance pays. Finally, the broad

¹⁸⁴ Submission 5, The Law Society of NSW, p 4.

¹⁸⁵ Design and Building Practitioners Regulation 2021, cl 77 (1).

¹⁸⁶ For example: Submission 27, Housing Industry Association, p 3; Submission 54, Master Builders NSW, p 4; Submission 46, Property Council of Australia, p 3; Evidence, Mr Forrest, 11 August 2025, p 25.

¹⁸⁷ Submission 27, Housing Industry Association, p 3; Submission 54, Master Builders NSW, p 4.

¹⁸⁸ Evidence, Mr Armitage, 11 August 2025, p 40.

¹⁸⁹ Evidence, Ms Stevenson, 11 August 2025, p 21.

¹⁹⁰ Submission 46, Property Council of Australia, p 3.

¹⁹¹ Evidence, Ms Stevenson, 11 August 2025, p 21.

¹⁹² Submission 45, Consult Australia, p 7.

duty of care and the potential to be held liable for all loss, not just the loss that you contributed to, also adds to this problem.¹⁹³

2.67 Further, Mr Forrest advised that there is no adequate insurance available for Class 2 buildings in New South Wales.¹⁹⁴ In response to this issue, Mr Forrest recommended that the government consider introducing a warranty product, similar to the home builders warranty insurance, but for apartment buildings.¹⁹⁵ He noted that such a product would not need to cover the whole amount but could be introduced to provide some support to the private sector.

2.68 Mr Chandler described how strengthening oversight through coregulation, and the introduction of the Independent Construction Industry Rating Tool (iCIRT) an industry-led market surveillance tool that can be used to assess building professionals, combined with Latent Defects Insurance, a 10-year warranty insurance product, would play an important role in addressing and preventing building defects and reassuring insurers of the risks. He explained that a Latent Defects Insurance policy requires builders or developers to engage a technical inspections service at the start of the design process and a 'satisfactory report from the technical inspector has to be given to the insurer' before the policy becomes active.¹⁹⁶

Compliance declarations and other documentation

2.69 As noted in chapter 1, under the DBP Act registered design practitioners, registered principal design practitioners, and registered building practitioners are required to provide and lodge compliance declarations before they start work on any regulated building. Many participants recognised the importance of ensuring compliant designs.¹⁹⁷ However, some participants also raised specific concerns, including:

- uncertainty about building work that requires a compliance declaration
- introduction of new categories of design practitioners
- a one-size-fits all approach to different classes of buildings
- burden of paperwork
- overlap with other planning documents.¹⁹⁸

2.70 These specific concerns are examined in turn below.

¹⁹³ Evidence, Ms Eulenstein, 19 September 2025, p 16.

¹⁹⁴ Evidence, Mr Forrest, 11 August 2025, p 25.

¹⁹⁵ Evidence, Mr Forrest, 11 August 2025, pp 26-27.

¹⁹⁶ Evidence, Mr Chandler, 19 September 2025, p 9.

¹⁹⁷ For example: Evidence, Mr McEncroe, 11 August 2025, p 30; Evidence, Mr Armitage, 11 August 2025, p 36; Submission 34, Owners Corporation Network of Australia, p 3; Submission 54, Master Builders NSW, p 3; Submission 46, Property Council of Australia, p 2; Submission 19, Engineers Australia, p 4.

¹⁹⁸ For example: Submission 5, The Law Society of NSW, pp 2 and 3; Evidence, Mr Armitage, 11 August 2025, pp 35 and 40; Submissions 50, Association of Consulting Architects, p 2-3; Submission 34, Owners Corporation Network of Australia, p 8; Evidence, Mr Forrest, 11 August 2025, p 2; Submission 50a, Association of Consulting Architects

Uncertainty

- 2.71 The Law Society of NSW advised that there is uncertainty around what type of building works require design compliance declarations.¹⁹⁹ They noted that under clause 13 of the DBP Regulation, certain work is excluded from being building work under the DBP.²⁰⁰ This includes, 'work that is waterproofing, but only if ... the work ... relates to a single dwelling'.²⁰¹ However, the Law Society noted that the term 'single dwelling' is not defined in the regulations and consequently, it is 'unclear whether a unit in a class 2 building is a single dwelling, and whether work in that unit, which may have a structural impact on the building' is excluded under the regulations. The Law Society emphasised that this should be clarified and addressed prior to the finalisation of the draft bill.²⁰²

New categories of design practitioners

- 2.72 Inquiry participants informed the committee that the DBP Act and DBP Regulation introduced new categories of design practitioners who are authorised to produce and provide compliance declarations for certain types of regulated designs.²⁰³ At the time of writing, the DBP Regulation makes reference to the following categories:

- architectural
- architectural (low rise)
- architectural (medium rise)
- body corporate
- building design
- building design (low rise)
- building design (medium rise)
- civil engineering
- drainage
- drainage (restricted)
- electrical engineering
- facade
- fire safety engineering
- fire systems (detection and alarm systems)
- fire systems (fire hydrant and hose reel)

¹⁹⁹ Submission 5, The Law Society of NSW, p 3.

²⁰⁰ Submission 5, The Law Society of NSW, p 3.

²⁰¹ Design and Building Practitioners Regulation 2021, cl 13(1)(b)(iii).

²⁰² Submission 5, The Law Society of NSW, p 3.

²⁰³ Building Commission NSW, *Design practitioner obligations when working on regulated buildings*, <https://www.nsw.gov.au/housing-and-construction/compliance-and-regulation/professionals-working-on-regulated-buildings/design-and-building-practitioners/design-obligations>.

- fire system (fire sprinkler)
- fire system (mechanical smoke control)
- geotechnical engineering
- mechanical engineering
- structural engineering
- vertical transportation.²⁰⁴

2.73 Mr Armitage advised that the introduction of new categories of design practitioners has created challenges, specifically in the context of waterproofing and facade.²⁰⁵ He noted that these new categories have made insurers more risk averse as it remains unclear 'who is liable for what'.²⁰⁶ Additionally, Mr Armitage stated that there is a 'very limited' pool of people with these specialist qualifications and this, combined with the conservative approach taken by insurers, has led to increased consultancy fees.²⁰⁷

One-size-fits-all

2.74 As noted in chapter 1, the DBP Act and RAB Act apply to classes 2, 3 and 9c buildings.²⁰⁸ Several inquiry participants were critical of the framework's 'one-size-fits-all' approach to different classes of buildings, including its application to class 2 buildings with different risk profiles.²⁰⁹ Additionally, inquiry participants were critical of the framework's uniform application to existing buildings built prior to the introduction to DBP Act and RAB Act.²¹⁰

2.75 The Association of Consulting Architects described how the DBP Act adopts a one-size-fits-all approach, with the result that minor works and small renovations must comply with the 'same rigorous requirements as large developments, creating unnecessary documentation, cost burdens and administrative overloads for practitioners and clients'.²¹¹ The association advised that this has led to increased costs and delays 'rendering some projects financially unviable'.²¹²

2.76 Additionally, the Law Society of NSW informed the committee that design practitioners are reportedly 'unwilling to provide designs and declarations for anything other than a complete

²⁰⁴ Design and Building Practitioners Regulation 2021, Sch 1, Pt 2, Div 1.

²⁰⁵ Evidence, Mr Armitage, 11 August 2025, p 40.

²⁰⁶ Evidence, Mr Armitage, 11 August 2025, p 40.

²⁰⁷ Evidence, Mr Armitage, 11 August 2025, p 40.

²⁰⁸ Design and Building Practitioners Regulation 2021, cl 12(1); *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020*, s 6; Residential Apartment Buildings (Compliance and Enforcement Powers) Regulation 2020, cl 4; Submission 41, NSW Government, p 6.

²⁰⁹ For example: Submissions 50, Association of Consulting Architects, p 2-3; Evidence, Mr Peter Smith, Director, Smith & Tzannes, Association of Consulting Architects, 19 September 2025, p 10; Submission 27, Housing Industry Association, p 2; Submission 45, Consult Australia, pp 5-6; Evidence, Ms Eulenstein, 19 September 2025, p 17.

²¹⁰ For example: Submission 34, Owners Corporation Network of Australia, p 8; Evidence, Ms Eulenstein, 19 September 2025, p 16; Submission 45, Consult Australia, p 5.

²¹¹ Submissions 50, Association of Consulting Architects, p 2-3

²¹² Submissions 50, Association of Consulting Architects, pp 2-3.

repair or replacement of a building element' leading to additional costs for owners corporations.²¹³ The Law Society shared an example of where repairs were needed for part of a waterproofing membrane:

... where a section of waterproofing membrane on a building roof might previously have been the subject of a repair, it is now necessary to replace the membrane on an entire roof in order to satisfy design compliance requirements, which significantly increases remedial costs.²¹⁴

- 2.77** The Owners Corporation Network of Australia called for the NSW Government to review the requirements under the DBP Act to 'make provisions where practical to alleviate 'unnecessary' costs in remediation of existing buildings'.²¹⁵ Using waterproofing as an example, Mr Dominic Dodwell, Director, Owners Corporation Network of Australia, advocated for discretion being given to qualified professionals to determine how best to apply remediations :

If you take a building from the 1970s, for example, then waterproofing may never have been prescribed. When you come through to current standards, you're remediating an existing building that's 60 years old and then you're calling for it to have waterproofing applied to all those areas. While that's best practice, in a lot of cases it does trigger significant addition to costs. You're talking about the termination over the hob that sits underneath the sliding doors, so then the door suite goes. The hob gets installed, the whole terrace gets ripped up. The hydraulics may be insufficient so you have to reengineer the whole hydraulic systems. It becomes a major consideration and it may be in a unit that's never had a water ingress issue. I'm not arguing that we shouldn't be following best practice as far as practicable, but I think there does need to be a little bit of flexibility given to the engineers—not to the lay person but to the technical specialist—to determine where the line in the sand is and where they're willing to take on the risk themselves to say we understand, here's the performance they're willing to specify and this is what we should do in order to scale those scopes back somewhat.²¹⁶

- 2.78** Speaking on behalf of Housing Industry Association, Mr Armitage told the committee that a low rise manor home and an apartment tower (both are Class 2 buildings) have 'very different risks profiles... very different construction methods and material used'.²¹⁷ The view of Housing Industry Association was that the DBP Act should: only apply to buildings that are four stories or higher; focus on new-build constructions; and align with the *Environment Planning & Assessment Act 1979*, Environmental Planning and Assessment Regulation 2021 and the State Environmental Planning Policies.²¹⁸ They noted that this would be consistent with the initial conversations that took place around the development of the DBP Act.

²¹³ Submission 5, The Law Society of NSW, p 2.

²¹⁴ Submission 5, The Law Society of NSW, p 2.

²¹⁵ Submission 34, Owners Corporation Network of Australia, p 8.

²¹⁶ Evidence, Mr Dominic Dodwell, Director, Owners Corporation Network of Australia, 11 August 2025, p 38.

²¹⁷ Evidence, Mr Armitage, 11 August 2025, p 35.

²¹⁸ Submission 27, Housing Industry Association, p 2.

Burden of paperwork

- 2.79** Mr Forrest described how the increased demands for regulatory compliance has led to more paperwork and time spent offsite, adding time and costs to construction work.²¹⁹ While recognising that paperwork is a necessary part of ensuring compliance with regulations, Mr Forrest said that the amount of paperwork required has become a burden and has contributed to people leaving the construction sector.²²⁰ Urban Taskforce Australia recommended that 'the administrative burden and cost of compliance ... be considered with a view to amending the Acts to attract skilled trades and construction industry consultants back to NSW to assist in delivering the Government's mandate for housing supply'.²²¹
- 2.80** The Association of Consulting Architects noted that 'paperwork compliance' was identified as a key issue by their members. More specifically, the association argued that 'members' experiences demonstrate that well-intentioned legislation has created excessive regulatory burden without corresponding building quality improvements'.²²² Related to this, the Association of Consulting Architects recommended that:
- the administrative paperwork burden be reduced
 - building skills and site experience be emphasised instead of paperwork
 - the focus be on actual building quality outcomes rather than paperwork compliance.²²³
- 2.81** Feedback from architects in relation to 'paperwork compliance' is further considered in chapter 3.
- 2.82** Lastly, Master Builders NSW advised that due to administrative requirements, businesses have to employ additional staff 'to manage the increased volume and complexity of the documentation and submissions processes required by the DBP Act'.²²⁴ Master Builders NSW noted that this can be a significant barrier for small businesses.

Overlap with other legislation

- 2.83** Some inquiry participants raised concerns about the overlap, duplication and inconsistency with the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Builders and Development Certifiers Act 2018* (BDC Act). Master Builders NSW advised that the DBP Act 'poorly integrates' processes set out under the EP&A Act leading to parallel streams of documentation and reporting, placing significant and additional administrative burdens on builders.²²⁵
- 2.84** Fire Protection Association Australia similarly reported that there is 'undue complexity and duplication' between the DBP Act and BDC Act.²²⁶

²¹⁹ Evidence, Mr Forrest, 11 August 2025, p 25.

²²⁰ Evidence, Mr Forrest, 11 August 2025, p 25.

²²¹ Submission 33, Urban Taskforce Australia, p 20.

²²² Submission 50a, Association of Consulting Architects, p 4.

²²³ Submission 50a, Association of Consulting Architects, pp 5, 6 and 7.

²²⁴ Submission 54, Master Builders NSW, p 8.

²²⁵ Submission 54, Master Builders NSW, p 4.

²²⁶ Submission 23, Fire Protection Association Australia, p 3.

Other concerns

- 2.85** A number of other issues were raised by inquiry participants concerning the planning portal and the publication of orders and undertakings.
- 2.86** Mr Peter Smith, Director, stephen pearse architect Pty Ltd, Association of Consulting Architects, described how the Department of Planning had engaged with external consultants and industry to create a portal specifically for building applications, but Service NSW decided to stick with the existing portal. Mr Smith lamented that in comparison to other jurisdictions the planning portal is not up to standard: 'it is laggy, it crashes, it asks repetitive questions, it is unintelligent and the interface is confusing'.²²⁷ In addition, Mr Stephen Pearce, Director, Smith & Tzannes, Association of Consulting Architects, viewed the portal as not fit for purpose and a cost burden for practices, especially small ones.²²⁸
- 2.87** As a result of issues encountered with the planning portal, Mr Smith noted that architects often submit their building applications twice, once via the portal and then via email or mail, 'you put your application on the portal and you send them an email or get a dove or something like that to fly the application off to them so they can have a paper version. That's usually more efficient, unfortunately'.²²⁹ The Association of Consulting Architects recommended that planning portal:
- be streamlined and simplified for intuitive, user-friendly operation with clear instructions, logical workflows, and easier navigation tailored to different user types and project classes
 - include pre-filled and dynamic forms that implement systems for auto-populating fields and reducing repetitive data entry and only displaying questions and requirements relevant to specific project types
 - provide enhanced support and training to ensure it offers responsive, effective help desks and develops accessible training resources
 - enhance transparency and accountability in document management with clear records of uploads, responses, and responsible parties
 - enable multiple users from the same organisation to access and manage applications while also allowing delegation of responsibilities within the portal
 - seek feedback from practitioners and end users to inform ongoing improvements
 - consider reverting to or integrating elements of direct council submission processes to preserve the benefits of face-to-face communication and personalised support.²³⁰
- 2.88** As noted in chapter 1, orders made by Building Commission NSW are published online. Orders and undertakings can be accessed via the Register of building orders and the List of Developer Undertakings.²³¹

²²⁷ Evidence, Mr Smith, 19 September 2025, p 13.

²²⁸ Evidence, Mr Stephen Pearce, Director, Smith & Tzannes, Association of Consulting Architects, 19 September 2025, p 12.

²²⁹ Evidence, Mr Smith, 19 September 2025, p 13.

²³⁰ Submission 50, Association of Consulting Architects, pp 4-5.

²³¹ Submission 41, NSW Government, p 4.

- 2.89** The Law Society of NSW suggested that the Register and List should be merged into one consolidated resource to improve accessibility. It noted that the Register can be difficult to navigate, is lengthy, requires the end user to conduct a manual search, and does not include historical information. As a result, the Law Society recommended that the Register be modified to better support consumers utilising this resource:

The Register is a lengthy webpage, with the type of orders separately listed, in chronological order according to the date the order is issued. To establish whether an order is in place, a manual search of the Register must be made. Each listed order identifies the recipient of the order, the street address of the work, and the date of issue of the order. As of 14 June, the site lists 137 orders and one undertaking. Over time, unfortunately, this number will likely increase, making manual searching potentially unwieldy, and possibly, with a greater chance of errors being made. The other difficulty with the Register is that once an order is satisfied/revoked, no historical information is available as to the date at which this occurred, rather the order is simply removed from the Register. From a consumer protection perspective, it would be helpful if the Register included the historical information in relation to orders that have been satisfied or revoked. Modified orders should also be identified.²³²

Committee comment

- 2.90** The committee wishes to emphasise upfront the difficulties of effectively completing our statutory review of the DBP and RAB Acts at the same time as the government is consulting on and considering potentially significant changes to building legislation. Given the committee was informed that the draft building bills are intended to replace the DBP and RAB Acts, along with other pieces of legislation, the government's refusal to provide the committee with the draft bills greatly impacted this review. It also was frustrating and confusing for many stakeholders who gave evidence. While we acknowledge that the NSW Government has provided us with some copies of stakeholder's submissions received as part of the government-led consultation, this represents only a fragment of the whole picture.

Finding 1

The government's refusal to provide the committee with draft building bills intended to replace the *Design and Building Practitioners Act 2020* and the *Residential Apartment Building (Compliance and Enforcement Powers) Act 2020*, despite sharing them with industry stakeholders, impacted the ability of this committee to adequately undertake this statutory review.

- 2.91** In examining the functions of the Secretary under the existing framework including those delegated to Building Commission NSW, the committee was troubled to learn that regulatory requirements, specifically in the context of the existing licensing and registration framework, have seemingly contributed to an exodus of experienced workers from the construction sector in New South Wales. We therefore recommend that the NSW Government consider non-tertiary pathways to registration for relevant practitioners with significant industry experience (10-years or more) and who have certificates III, IV or diploma-level qualifications.

²³² Submission 5, The Law Society of NSW, p 5.

Recommendation 1

That the NSW Government consider non-tertiary pathways to registration for relevant practitioners with significant industry experience (10-years or more) and who have certificates III, IV or diploma-level qualifications.

- 2.92** Further, it is unclear why the Department of Customer Services has excluded interior designers from the licensing framework. Interior designers play an important role in mitigating risk and enhancing building safety. We accordingly recommend that the government consider establishing a pathway to registration and licensing for interior designers under the Design and Building Practitioners Regulation 2021, or alternatively under the consolidated building bills and associated regulations.
-

Recommendation 2

That the NSW Government consider establishing a pathway to registration and licensing for interior designers under the Design and Building Practitioners Regulation 2021, or alternatively under the consolidated building bills and associated regulations.

- 2.93** The committee also recognises that many practitioners, including engineers, work across various jurisdictions in Australia. We are concerned about the inconsistencies and administrative burdens these practitioners often face. The committee recommends that the Minister for Building liaise with their state and federal counterparts to develop a nationally consistent registration framework for building practitioners that does not compromise the standards and objectives underpinning the framework in New South Wales.
-

Recommendation 3

That the Minister for Building liaise with their state and federal counterparts to develop a nationally consistent registration framework for building practitioners that does not compromise the standards and objectives underpinning the framework in New South Wales.

- 2.94** Turning to the dispute resolution functions delegated by the Secretary to Building Commission NSW, the committee acknowledges the positive impact of Project Intervene in reducing costly and lengthy litigation. Nonetheless, we are concerned by reports that this process has inadvertently led to delays and increased costs for disputes that have already commenced in court. The committee calls on the NSW Government to implement measures to ensure that dispute resolution processes do not adversely affect ongoing legal proceedings.

- 2.95** A new dispute resolution framework should provide for mandatory mediation, in which owners corporations engage with Building Commission NSW before a matter proceeds to NSW Civil and Administrative Tribunal or court. Additionally, under a new framework a formal stay should
-

be placed on proceedings for a fixed period of time to ensure the limitation period is paused. Further, recognising that legal proceedings may already be underway prior to the introduction of a new framework, a formal stay should also be placed on proceedings on these proceedings. The committee thus recommends that the NSW Government establish a new dispute resolution process for building defects that: provides for mandatory mediation; places a formal stay on proceedings for a fixed period to ensure the limitation period is paused; for transitional purposes, places a formal stay on proceedings on any legal proceedings already underway; and provides adequate resources and funding to Building Commission NSW to ensure the timely and efficient resolution of disputes.

Recommendation 4

That the NSW Government establish a new dispute resolution process for building defects that:

- provides for mandatory mediation
 - places a formal stay on proceedings for a fixed period to ensure the limitation period is paused
 - for transitional purposes, places a formal stay on proceedings on any legal proceedings already underway
 - provides adequate resources and funding to Building Commission NSW to ensure timely and efficient resolution of disputes.
-

2.96 The policy objectives of the DBP and RAB Acts to strengthen consumer protection and increase consumer confidence remain valid. However, any future legislation could benefit from having these objectives explicitly referenced. While the DBP and RAB Acts have helped secure these objectives to some extent, it is clear from the evidence that they could be outworked in a more effective way through the legislative framework.

2.97 The existing framework has had some unintended consequences. As underscored by various participants, complexities and increased costs may have driven some experienced practitioners from the construction sector and this may be undermining efforts to tackle the housing crisis in New South Wales. Nonetheless, we also acknowledge that to some extent the burden of paperwork and increased costs to construction projects may be a necessary consequence of ensuring that buildings are safe and compliant.

Finding 2

While the overarching objectives of the *Design and Building Practitioner Act 2020* and the *Residential Apartment Building (Compliance and Enforcement) Act 2020* are valid, there is room for improvement in the outworking of certain provisions of the Acts so as to more effectively secure these objectives.

2.98 Looking ahead to the consolidated building bill, further examined in chapter 3, the committee is of the view that it would be beneficial for relevant legislation to include an express object provision. Therefore, we recommend that any future legislation which replaces the *Design and*

Building Practitioners Act 2020 and *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020* explicitly refer to policy objectives of these Acts being to strengthen consumer protection and increase consumer confidence.

Recommendation 5

That any future legislation which replaces the *Design and Building Practitioners Act 2020* and *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020* explicitly refer to policy objectives of these Acts being to strengthen consumer protection and increase consumer confidence.

-
- 2.99** The committee recommends that the NSW Government liaise with industry stakeholders to identify potential strategies to reduce complexity and costs, without compromising the essential objectives of the existing framework. This may include providing exemptions for appropriately qualified and experienced professionals when determining what modifications are needed for an existing and older building. Consideration could also be given to the appropriateness of adhering to a one-size-fits-all approach for different classes of buildings, including class 2 buildings with different risk profiles.

Recommendation 6

That the NSW Government liaise with industry stakeholders to identify potential strategies to reduce complexity and costs, without compromising the essential objectives of the existing framework.

-
- 2.100** Following the High Court's confirmation of the Pafburn decision, the committee considers it necessary for the government to clarify the intended scope and application of duty of care provisions and insurance obligations under the legislative framework. As advised by inquiry participants, the committee understands that these issues are being considered as part of the consultation for the draft bills.

Review into the Design and Building Practitioners Act 2020 and the Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020 and related draft government bills

Chapter 3 Building reform: draft bills and government consultation

This chapter considers feedback from inquiry participants concerning the draft consolidated bills that have formed part of the government consultation process. In doing so, this chapter provides an overview of key issues raised by the participants. This includes concerns relating to the consultation process, the lack of access to the draft changes to the accreditation and licensing framework, existing legislation captured by the proposed bills, new penalties, and the introduction of new terminology.

Views of industry stakeholders

- 3.1** As noted in chapter 2, inquiry participants raised concerns regarding the timing of this inquiry taking into account the coinciding work and government consultation underway in relation to the proposed building bills, which is anticipated to have a significant impact on the *Design and Building Practitioners Act 2020* (DBP Act) and *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020* (RAB Act).²³³ In response to these concerns, and at the committee's request, the NSW Government provided the committee with copies of submissions received as part of its consultation for the proposed bills. However, the committee was not provided with the draft bills. The content of this chapter therefore relies on information provided by those inquiry participants who have also been part of the government consultation process.²³⁴
- 3.2** A number of inquiry participants informed the committee that they had been consulted in relation to the following draft legislation:
- draft Building Bill 2024
 - draft Building Insurance Bill 2024
 - draft Building Compliance and Enforcement Bill 2024
 - draft Building (Licensing) Regulation 2024 (extract).²³⁵
- 3.3** In addition to the draft bill, input was also provided in relation to the following papers:
- draft Licensing Regulations (Explanatory note)
 - Consumer Protections for home building work (Position paper)
 - Regulation on Prefabricated Buildings (Position paper)

²³³ For example: Submission 5, the Law Society of NSW, pp 1-2; Submission 23, Fire Protection Association Australia, p 1.

²³⁴ Letter from Chair to the Hon. Anoulack Chanthivong MP, 9 April 2025; Letter from the Hon. Anoulack Chanthivong MP to Chair, 17 April 2025; Letter from Chair to the Hon. Anoulack Chanthivong MP, 2 May 2025; Letter from the Hon. Anoulack Chanthivong MP to Chair, 14 May 2025; Letter from the Hon. Anoulack Chanthivong MP to Chair, 27 May 2025; Letter from Chair to the Hon. Anoulack Chanthivong MP, 15 August 2025; Email from Ms Alicia Sylvester, Director of Policy, Office of the Hon Anoulack Chanthivong MP, to Chair, 25 August 2025.

²³⁵ For example: Submission 43a, Australian Institute of Architects, pp 4-9; Submission 27a, Housing Industry Association Australia, p 1.

- Fire safety regulatory framework (Position paper)
- Building Approvals Framework (Position paper).²³⁶

3.4 Overall, most stakeholders indicated that they were generally supportive of the overarching intention and underlying principles of the proposed reforms to bring together different legislative instruments into a single consolidated framework to streamline processes and reduce duplication.²³⁷ However, some inquiry participants raised concerns about:

- the consultation process²³⁸
- the lack of information about draft regulations²³⁹
- the inclusion of the *Architects Act 2003*²⁴⁰
- proposed changes to accreditation and licensing framework²⁴¹
- proposed introduction of new penalties²⁴²
- potential changes to existing terminology.²⁴³

3.5 These concerns are examined in the subsections below.

Consultation process

3.6 As noted in chapter 1, the NSW Government has consulted with industry representatives, unions and other stakeholders on proposed legislation to consolidate legislative instruments covering the construction sector.²⁴⁴ As referenced above, the NSW Government shared three draft bills, a draft regulation and several discussion papers with industry stakeholders in the

²³⁶ For example: Submission 43a, Australian Institute of Architects, pp 4-9; Submission 27a, Housing Industry Association Australia, p 1.

²³⁷ For example: Submission 17a, Plumbing Industry Climate Action Centre, p 2; Submission 22, National Fire Industry Association of Australia, p 2; Submission 23, Fire Protection Association Australia, p 1; Submission 23a, Fire Protection Association Australia, p 1; Submission 52, City of Sydney, p 2; Evidence, Mr Tom Forrest, Chief Executive Officer, Urban Taskforce Australia, 11 August 2025, p 22; Evidence, Mr Peter Smith, Director, Smith & Tzannes, Association of Consulting Architects, 19 September 2025, p 11; Evidence, Mr Brad Armitage, NSW Executive Director, Housing Industry Association, 11 August 2025, p 35.

²³⁸ For example: Evidence, Mr Armitage, 11 August 2025, p 38; Evidence, Ms Lisa King, Executive Director NSW, Australian Institute of Architects, 11 August 2025, p 6.

²³⁹ For example: Evidence, Ms King, 11 August 2025, pp 4 and 6; Evidence, Ms Elizabeth Carpenter, NSW Chapter President, Australian Institute of Architects, 11 August 2025, p 3.

²⁴⁰ For example: Evidence, Ms King, 11 August 2025, p 6.

²⁴¹ For example: Submission 23, Fire Protection Association Australia, p 2.

²⁴² For example: Submission 43a, Australian Institute of Architects, p 10.

²⁴³ For example: Submission 27a, Housing Industry Association, pp 3 and 13; Evidence, Mr Armitage, 11 August 2025, p 40.

²⁴⁴ Submission 41, NSW Government, p 1.

second half of 2024. At the time of writing, the government is using consultation feedback to finalise the draft bills before they are introduced to parliament.²⁴⁵

3.7 Several inquiry participants provided feedback on the consultation process itself, noting the consultation was rushed and that there was a lack of information at times, specifically in relation to the draft regulations, an issue that will be examined later in this chapter.²⁴⁶

3.8 For example, Mr Brad Armitage, NSW Executive Director, Housing Industry Association, was concerned about the rushed nature of the consultation, with stakeholders given three weeks to process and comment on the draft bill:

... from our perspective, it does become quite concerning that a piece of legislation that impacts our industry as much as this has, at times, felt like it's being rushed through at different stages—for example, when we're being given a draft bill that no longer has draft regulations and then being told that two or three weeks is enough to process that and comment on it.²⁴⁷

3.9 Ms Lisa King, Executive Director NSW, Australian Institute of Architects, reflected that while the Department of Customer Services had been very collaborative, a lack of follow up and further information later in the consultation process created a sense of unease:

To be fair to the department, they have been very collaborative with us. However, when it came to March of this year, when we submitted all our final round of recommendations and the PowerPoint presentation, and we put notes on it about where we wanted the changes, we haven't heard anything back. When we made subsequent inquiries, we were told basically that it has stalled. So that's made us nervous again, because we think, well, okay, we don't know what's going to happen.²⁴⁸

3.10 In addition, some industry stakeholders, including interior designers, were not initially included in the government consultation.²⁴⁹

3.11 Despite concerns about the consultation process overall, some inquiry participants underscored the need to avoid any further delays to necessary reform of building legislation.²⁵⁰ Mr Tom Forrest, Chief Executive Officer, Urban Taskforce Australia, emphasised the necessity of moving forward:

We've had meetings with the new Building Commissioner, James Sherrard, we've had meetings with the Minister, we've had delegations from the Urban Taskforce, and no doubt my colleagues have also had opportunities to do that. I'm much more comfortable to say let's move forward with the passage of the legislation. ... I think the

²⁴⁵ Department of Customer Service, *Have your say: Reforming building laws in NSW*, https://www.haveyoursay.nsw.gov.au/reforming-building-laws?utm_medium=email&utm_source=edms.

²⁴⁶ For example: Evidence, Mr Armitage, 11 August 2025, p 38; Evidence, Ms King, 11 August 2025, pp 4 and 6; Evidence, Ms Carpenter, 11 August 2025, p 3.

²⁴⁷ Evidence, Mr Armitage, 11 August 2025, p 38.

²⁴⁸ Evidence, Ms King, 11 August 2025, p 6.

²⁴⁹ Evidence, Ms Jo-Ann Kellock, Chief Executive Officer, Design Institute of Australia, 11 August 2025, p 2.

²⁵⁰ For example: Evidence, Mr Forrest, 11 August 2025, p 20.

practical reality is we have a housing supply crisis and getting on with the job of delivering improvements to the productivity of the building regulations has to be seen as an imperative to assisting and resolving that.²⁵¹

- 3.12** Nonetheless, while some inquiry participants were told that their concerns regarding the existing framework would be addressed in the proposed bills, others told the committee that until they see the final legislative framework and accompanied regulations they remain unassured.²⁵² For example, Mr Gavin Melvin, Executive Director, Policy, Urban Development Institute of Australia, said that while they have been given verbal assurances that the government will 'look at dealing with' the duty of care provisions, at this stage they have not seen a draft bill that 'codifies' this verbal undertaking.²⁵³

Lack of information about potential regulations

- 3.13** A common concern raised by inquiry participants centered on a lack of understanding and information about the regulations that will potentially sit alongside the consolidated legislation.²⁵⁴ Participants explained that while the bill sets out the framework, the details will be found in the regulations.²⁵⁵
- 3.14** By way of example, Mr Melvin told the committee that the draft building bill includes a proposed dispute resolution process, but 'the details of that process and how the RAB powers will be used are yet to be clearly determined and will be left up to the regulations to be detailed'.²⁵⁶ As noted in chapter 2, the Urban Development Institute of Australia recommended that the building bill empower Building Commission NSW to 'oversee a structured and mandatory mediation process for defect disputes arising in occupied buildings' that includes a formal legislative stay on proceedings.²⁵⁷
- 3.15** Further to this, Ms Elizabeth Carpenter, NSW Chapter President, Australian Institute of Architects observed that without access to the associated regulations it is unclear if the proposed legislation will secure its objectives:

We support the bill's intended objectives to enhance safety, resilience and accountability across the building industry, further improve consumer protection and introduce licensing for the currently unlicensed practitioners. Unfortunately, the preliminary nature of the current documentation limits our ability to support the bill itself at this stage. The absence of draft regulations and insufficient detail in the draft bill make it unclear whether its legislative intent will be achieved. We continue to engage, when given the opportunity, in good faith but remain concerned that without further clarity

²⁵¹ Evidence, Mr Forrest, 11 August 2025, p 20.

²⁵² For example: Evidence, Mr Gavin Melvin, Executive Director, Policy, Urban Development Institute of Australia, 11 August 2025, p 24.

²⁵³ Evidence, Mr Melvin, 11 August 2025, p 24.

²⁵⁴ For example: Evidence, Ms King, 11 August 2025, pp 4 and 6; Evidence, Ms Carpenter, 11 August 2025, p 3.

²⁵⁵ For example: Evidence, Mr Melvin, 11 August 2025, p 19; Evidence, Ms King, 11 August 2025, p 4; Evidence, Ms Carpenter, 11 August 2025, p 4.

²⁵⁶ Evidence, Mr Melvin, 11 August 2025, p 19.

²⁵⁷ Submission 21a, Urban Development Institute of Australia, p 10.

and transparency, the reforms, and specifically the delay in providing timely and transparent information to industry on the content of the reforms, may inadvertently hinder the industry—an industry that relies on certainty to move forward with confidence.²⁵⁸

- 3.16** Ms Lisa King, Executive Director NSW, Australian Institute of Architects, echoed concerns regarding the lack of access to the draft regulations and stated that if the regulations cannot be shared at this stage, a policy statement outlining any significant changes would be helpful.²⁵⁹
- 3.17** The NSW Government has indicated that Building Commission NSW will publish a policy statement outlining the final intention of the bills, prior to their introduction to Parliament. This will be used to guide the drafting of associated regulations.²⁶⁰

Architects Act 2003

- 3.18** As noted in chapter 1, the committee has been informed by stakeholders that the draft Building Bill will seek repeal of the DBP Act, RAB Act and other building legislation, including the *Architects Act 2003*.²⁶¹ Other legislative instruments said to be captured in draft bills, in full or in part, include the: *Home Building Act 1989*,²⁶² *Environment Planning and Assessment Act 1979*,²⁶³ and *Building and Development Certifiers Act 2018*.²⁶⁴
- 3.19** Whilst inquiry participants were supportive of the proposal to bring existing building laws into a single consolidated framework to streamline processes and reduce duplication, concerns were raised about the exclusion of key provisions from the *Architects Act 2003*.²⁶⁵
- 3.20** The Australian Institute of Architects was concerned that essential requirements of the *Architect Act 2003*, namely those relating to licencing and registration, accountability and consumer protection, were not included in the draft Building Bill.²⁶⁶ Further, Ms King noted that since raising these concerns with the government during consultation, the Australian Institute of Architects has not been informed if this issue will be rectified.²⁶⁷ Referring specifically to the Draft Building Bill, the institute recommended that:
- the bill retain sections 17, 17A, 18, 20, and 21 of the *Architect Act 2003*, which governs full, temporary and conditional registration and ensures architects 'adhere to the same high standards of competency and accountability'

²⁵⁸ Evidence, Ms Carpenter, 11 August 2025, p 3.

²⁵⁹ Evidence, Ms King, 11 August 2025, p 4.

²⁶⁰ Department of Customer Service, *Have your say: Reforming building laws in NSW*, https://www.haveyoursay.nsw.gov.au/reforming-building-laws?utm_medium=email&utm_source=edms.

²⁶¹ Submission 43a, Australian Institute of Architects, p 3.

²⁶² Submission 5, The Law Society of NSW, p 1.

²⁶³ Submission 5, The Law Society of NSW, p 1.

²⁶⁴ Submission 23, Fire Protection Association Australia, p 1.

²⁶⁵ For example: Submission 43a, Australian Institute of Architects, p 1.

²⁶⁶ Submission 43a, Australian Institute of Architects, p 1; Evidence, Ms King, 11 August 2025, p 6.

²⁶⁷ Evidence, Ms King, 11 August 2025, p 4.

- key definitions and objects contained in the *Architects Act 2003* be retained as they 'clearly define the scope of architectural services and distinguish between architectural services and other building design services'
- the 'nominated architect' concept, central to the *Architects Act 2003*, be retained to 'ensure that every architecture firm is represented by a registered architect who is responsible for the services offered'.²⁶⁸

3.21 In response to comments made by architects regarding the *Architects Act 2003* and paperwork compliance (discussed in chapter 2), which they believe may result in a decline in the quality of building designs, Mr David Chandler, former NSW Building Commissioner, reflected that architects are 'jousting at the windmills a little bit'.²⁶⁹ When considering design quality in terms of the beauty or the appropriateness of the building, versus whether the building is fit for purpose, he stressed that he was 'more concerned about the fitness of purpose'.²⁷⁰ He also noted that artificial intelligence will likely play a role in the future in preparing building designs, which is likely to impact both architects and engineers.²⁷¹ He consequently encouraged architects to think about what the 'industry will look like in 10 years' time and then put their problems in that context'.²⁷²

3.22 Beyond artificial intelligence, Mr Chandler also referred to the development of modern methods of construction. He acknowledged that these 'are going to be part of the future' and noted his role in establishing the Centre for Modern Construction in Western Sydney.²⁷³ However, Mr Chandler also emphasised that caution is needed in this space to ensure that we don't end up with two different classes of buildings that are built to different standards and ensure consumers are not put at risk:

... modern constructions customers can't be modern constructions guinea pigs. There's a culture in the people who are at the front end of this that is: get everything out of the way, it's hard enough to invent these buildings and to bring them to the market. My view is there's another end that these buildings actually have to prove themselves. I guess some of my commentary is not that well accepted, saying, "I'm going to continue to look at the progress of the modern methods of construction through the consumer's eyes".²⁷⁴

Potential changes to licensing and accreditation

3.23 Some stakeholders from the fire protection sector raised concerns about the relevant provisions of draft bills that impact licensing and accreditation. Specifically, Fire Protection Association Australia criticised the government proposal to 'abolish the Fire Protection Accreditation

²⁶⁸ Submission 43a, Australian Institute of Architects, pp 8 and 10-11.

²⁶⁹ Evidence, Mr David Chandler, former NSW Building Commissioner, 19 September 2025, p 4.

²⁷⁰ Evidence, Mr Chandler, 19 September 2025, p 4.

²⁷¹ Evidence, Mr Chandler, 19 September 2025, p 5.

²⁷² Evidence, Mr Chandler, 19 September 2025, p 5.

²⁷³ Evidence, Mr Chandler, 19 September 2025, pp 2 and 4.

²⁷⁴ Evidence, Mr Chandler, 19 September 2025, p 4.

Scheme ... and replace it with licensing, without any attempt to analyse the success of mandatory accreditation'.²⁷⁵

- 3.24** Mr John Collie, Chief Executive Officer, Fire Protection Association Australia, told the committee that highly specialised and professional roles, such as fire system designers, assessors and certifiers, should include 'mandatory accreditation under co-regulation'.²⁷⁶ He further explained that 'licensing raises the floor; accreditation raises the bar'.²⁷⁷ While licensing sets the baseline for competency, Mr Collie reflected that it falls short in raising the standards for more specialised and professional roles that are judgement and assessment-based and draw from years of experience, ensuring the delivery of safe outcomes.²⁷⁸
- 3.25** Acknowledging that a licensing framework can involve additional elements including 'ongoing auditing continuous professional development', Mr Collie advised that the licensing framework included in the draft bill only provides that a licensing scheme 'may' include these additional components.²⁷⁹
- 3.26** However, the views of Mr Joe Smith, Chief Executive Officer, National Fire Industry Association of Australia, differed slightly from those put forward by Mr Collie.²⁸⁰ While he agreed with the importance of including continuous professional development (CPD) requirements, among other things, he queried why this could not be captured in a licensing framework.
- 3.27** In any event, Mr Smith shared the concerns of the National Fire Industry Association of Australia regarding accreditation processes, specifically with regards to who should be responsible for managing it. He emphasised that a licensing framework, including CPD requirements, should be managed by the NSW Government:

... from our perspective, accreditation is always open to difficulties where there's views of perspective, who's running it. Ultimately the responsibility always comes down to the Government anyway. So, from our perspective, it makes much more sense to have a comprehensive fire protection licensing framework where everyone working in fire protection, whether those senior professions or the trades or both, is licensed by the Government, that's managed by the Government, there are CPD requirements set by the Government, where the revenue from that licensing scheme goes back into the Government so that they can then manage that and ensure that work's been done appropriately so that that can then work. But I don't understand why that can't happen under a government licensing scheme.²⁸¹

²⁷⁵ Submission 23, Fire Protection Association Australia, p 2.

²⁷⁶ Evidence, Mr John Collie, Chief Executive Officer, Fire Protection Association Australia, 11 August 2025, p 12.

²⁷⁷ Evidence, Mr Collie, 11 August 2025, p 13.

²⁷⁸ Evidence, Mr Collie, 11 August 2025, p 13.

²⁷⁹ Evidence, Mr Collie, 11 August 2025, p 15.

²⁸⁰ Evidence, Mr Joe Smith, Chief Executive Officer, National Fire Industry Association of Australia, 11 August 2025, p 14.

²⁸¹ Evidence, Mr Smith, 11 August 2025, p 14.

New penalties

- 3.28** As noted in chapter 2, some inquiry participants raised concerns about new penalties included in the draft building bill.²⁸² The Australian Institute of Architects recognised 'the importance of reforming legislation to ensure safety, accountability and provide the ability to enforce penalties across the building sector in a balanced and proportionate way'.²⁸³ However, the institute observed that 'there are some very onerous penalties proposed in the draft Building Bill' that 'do not appear to be proportionate with the services provided as an Architect, comparative to a Builder or Contractor'.²⁸⁴ In reference to the draft Building Compliance and Enforcement Bill 2024, the institute recommended that Building Commission NSW 'review and clearly define the penalties for professional services roles, separable to penalties for Contractors and Body Corporates'.
- 3.29** Consequently, the institute advised that the proposed penalties may impact an architect's 'ability to obtain insurance, and the affordability of this insurance', which may increase the costs of architectural services and in turn increase the overall costs of construction.²⁸⁵ Referring to the draft Building Insurance Bill 2024, the Australian Institute of Architects called for collaboration between Building Commission NSW, the insurance industry and professional bodies to ensure that the new penalties in the draft bill do not inflate insurance costs to the extent that businesses become unviable.²⁸⁶ Further, the institute recommended that Building Commission NSW 'define proportionate penalties for Architects and other professional services ... to avoid creation of restrictive legislation'.²⁸⁷

Introduction of new terminology

- 3.30** Some inquiry participants raised concerns that the draft bill introduced new terminology which could create administrative challenges and foster confusion within the industry.²⁸⁸ Mr Armitage explained that making changes to existing terminology will require builders and councils, for example, to update their documentation, processes and websites, and could also slow down the process of obtaining building certificates, compliance declarations and other documentation.²⁸⁹

Committee comment

- 3.31** Many stakeholders agreed that reform is needed to streamline processes and reduce duplication and have shared their concerns regarding both the existing framework and proposed bills with the NSW Government and Building Commission NSW. Some reported that the government has provided verbal assurance that these concerns will be addressed in the draft bills. However,

²⁸² For example: Submission 43a, Australian Institute of Architects, p 10.

²⁸³ Submission 43a, Australian Institute of Architects, p 11.

²⁸⁴ Submission 43a, Australian Institute of Architects, p 10.

²⁸⁵ Submission 43a, Australian Institute of Architects, p 8.

²⁸⁶ Submission 43a, Australian Institute of Architects, recommendation 3.8.

²⁸⁷ Submission 43a, Australian Institute of Architects, recommendation 3.8.

²⁸⁸ For example: Submission 27a, Housing Industry Association, pp 3 and 13.

²⁸⁹ Evidence, Mr Armitage, 11 August 2025, p 40.

stakeholders expressed frustration at the lack of follow up, including whether their feedback has been taken on board or not or to seek further input.

- 3.32** It is unclear to the committee if these particular concerns will be addressed by the bills, and if not, why. We acknowledge that this has resulted in a heightened anxiety among a number of stakeholders as to the final content of a building bill.
- 3.33** As mentioned in chapter 2, the lack of transparency surrounding the draft bills has also caused unnecessary challenges for the committee. It has impeded our ability to properly evaluate the proposed framework and determine whether it effectively addresses key issues arising from the DBP Act and RAB Act. This lack of transparency has made it difficult for us to understand and weigh up concerns raised by participants when referring to key provisions of the draft bill.
- 3.34** It is clear to the committee that communication and information in relation to the government consultation has been inadequate. We are concerned that some stakeholders were initially excluded from the consultation process.
- 3.35** Given the time that has passed, it is particularly of concern that stakeholders have not yet been given an opportunity to review and provide feedback on the regulations that will accompany the draft bills. As underscored by inquiry participants, the regulations will contain crucial details, and without them, it is unclear if their concerns relating to the existing framework will be appropriately addressed under the proposed reforms. This includes the various areas of concern outlined in chapter 2 regarding registration requirements, dispute resolution, compliance declarations and the duty of care.

Finding 3

The consultation process by the government on the draft building bills and potential regulations has lacked transparency and consistency across all stakeholders, leading to confusion in the industry. Notwithstanding this, the committee acknowledges that the Government did extend the consultation period at the request of industry stakeholders.

- 3.36** The committee notes that the government intends to publish a policy statement outlining the final intentions for the bill and that this will be used to inform drafting of the associated regulations. We recommend that this statement be published as soon as possible. We also strongly recommend that the NSW Government, as a matter of urgency, undertake additional consultation with industry stakeholders concerning the proposed regulations that will accompany the draft building bills.

Recommendation 7

That the NSW Government publish a policy statement outlining the intention of the draft building bills as soon as possible.

Recommendation 8

That the NSW Government, as a matter of urgency, undertake additional consultation with all relevant stakeholders concerning the proposed regulations that will accompany the draft building bills.

- 3.37** Given what the committee and stakeholders have experienced, the committee is of the view that the consultation process could be greatly improved and recommends that the NSW Government and the Department of Customer Services review its consultation processes to ensure more effective and timely engagement with industry and all relevant stakeholders in the future.
-

Recommendation 9

That the NSW Government and Department of Customer Services review its consultation processes to ensure more effective and timely engagement with industry and all relevant stakeholders in the future.

Appendix 1 Submissions

No.	Author
1	Dr Bruce Arnold
2	Name suppressed
3	KaOZbuyDesign
4	STUDIO Z
5	The Law Society of NSW
6	Forward Thinking Design
7	Melanie Mackenzie
8	Name suppressed
9	Ms Tammy Miconi
10	Name suppressed
11	Name suppressed
12	Name suppressed
13	Name suppressed
14	Kerin Benson Lawyers
15	Ms Anna McMillan
16	Hare and Klein Pty Ltd
17	Plumbing Industry Climate Action Centre
17a	Plumbing Industry Climate Action Centre
18	Name suppressed
19	Engineers Australia
20	Ms Anna-Carin McNamara
21	Urban Development Institute of Australia
21a	Urban Development Institute of Australia
22	National Fire Industry Association of Australia
23	Fire Protection Association Australia
23a	Fire Protection Association Australia
24	Catherine de Meur Interiors
25	Design Clarity Pty
26	AIRAH
27	Housing Industry Association
27a	Housing Industry Association

No.	Author
28	MinterEllison
29	Swerve Design
29a	Swerve Design
30	Ms Joannette Seiden
31	Name suppressed
32	Name suppressed
33	Urban Taskforce Australia
34	Owners Corporation Network of Australia
35	Name suppressed
36	Confidential
37	Confidential
38	Mrs Ash Guven
39	Confidential
40	Australian Institute of Building Surveyors
41	NSW Government
42	Australian Elevator Association
43	Australian Institute of Architects
43a	Australian Institute of Architects
44	Design Institute of Australia
44a	Design Institute of Australia
45	Consult Australia
46	Property Council of Australia
47	ACRA - Australasian Concrete Repair and Remedial Building Association
48	The Hills Shire Council
49	Design Matters National
50	Association of Consulting Architects
50a	Association of Consulting Architects
51	Made by Boto
52	City of Sydney Council
53	Name suppressed
54	Master Builders NSW

Appendix 2 Witnesses at hearings

Date	Name	Position and Organisation
Monday 11 August 2025 Macquarie Room Parliament House, Sydney	Ms Lisa King	Executive Director NSW, Australian Institute of Architects
	Ms Elizabeth Carpenter	NSW Chapter President, Australian Institute of Architects
	Ms Jo-Ann Kellock FDIA(Hons)	CEO, Design Institute of Australia
	Ms Melanie Mackenzie	Chair, National Interior Design Working Group, Design Institute of Australia
	Ms Bernadette Foley BE(Hons) GCertEd(H.Ed) FIEAust CPEng EngExec NER	Group Executive, Professional Standards and Engineering Practice, Engineers Australia
	Mr John Collie	CEO, Fire Protection Association Australia
	Mr Mark Whybro	NSW-ACT Manager, Fire Protection Association Australia
	Mr Joe Smith	CEO, National Fire Industry Association of Australia
	Mr Tom Forrest	CEO, Urban Taskforce Australia
	Ms Katie Stevenson	NSW Executive Director, Property Council of Australia
	Ms Carrie Metcalfe	Deputy Chair, NSW Building Regulation Advisory Group, Property Council of Australia
	Mr Gavin Melvin	Executive Director, Policy, Urban Development Institute of Australia
	Ms Harriet Platt-Hepworth	Director, Policy and Research, Urban Development Institute of Australia
	Mr Mark Liversedge	General Manager, Australian Elevator Association
	Mr Lindsay LeCompte	Policy Advisory, Australian Elevator Association
	Mr Mark Vender	Advocacy and Policy Manager, AIRAH
	Mr Brett Fairweather	Mechanical Engineering Consultant - It's Engineered

Date	Name	Position and Organisation
		AIRAH representative to the Building Codes Committee and various BCNSW working groups
	Mr Richard McEncroe	Consultant, Plumbing Industry Climate Action Centre
	Mr Brad Armitage	NSW Executive Director, Housing Industry Association
	Mr Michael Said	Assistant Director, Housing Industry Association
	Mr David Glover	Managing Director, Owners Corporation Network of Australia
	Mr Dominic Dodwell	Director, Owners Corporation Network of Australia
Friday 19 September 2025	Mr David Chandler	Former Building NSW Commissioner
Macquarie Room	Mr Stephen Pearse	Director, stephen pearse architect Pty Ltd, Association of Consulting Architects
Parliament House, Sydney	Mr Peter Smith	Director, Smith & Tzannes Association of Consulting Architects
	Ms Kristy Eulenstein	Head of Policy and Government Relations, Consult Australia
	Ms Alison Kirk	NSW & ACT Manager, Consult Australia

Appendix 3 Minutes

Minutes no. 26

Wednesday 31 July 2024

Public Accountability and Works Committee

Room 1043, Parliament House, Sydney at 9.23 am

1. Members present

Ms Boyd, *Chair*

Mr Farlow, *Deputy Chair*

Mr Buttigieg

Dr Kaine (via videoconference, until 10.12 am)

Mr Latham

Mr Primrose

Mrs Taylor

2. Apologies

Ms Faehrmann

3. Previous minutes

Resolved on the motion of Mr Farlow: That minute no. 25 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received

- 1 July 2024 – Letter from the Hon Anoulack Chanthivong MP, Minister for Building to Chair of Public Accountability and Works Committee regarding the Minister's private briefing with the committee, as part of the building legislation review
- 18 July 2024 – Email from Office of the Chief Executive, Sydney Metro to the committee regarding a factual error in a case study included in the committee's report for the inquiry into the NSW Government's use and management of consulting services, tabled on 29 May 2024.

Resolved, on the motion of Mr. Latham: That the committee authorise the publication of correspondence from Office of the Chief Executive, Sydney Metro to the committee regarding a factual error in a case study included in the committee's report for the inquiry into the NSW Government's use and management of consulting services, tabled on 29 May 2024, dated 18 July 2024.

5. Review into the Design and Building Practitioners Act 2020 and the Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020

5.1 Public submissions

The committee noted that the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: 1, 3-7, 9, 14-17, 19-30, 33, 34, 38 and 40-46.

5.2 Partially confidential submissions

The committee noted that the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: 2, 8, 10-13, 18, 31, 32 and 35.

Resolved, on the motion of Mr Buttigieg: That the committee keep the following information confidential, as per the request of the author: names nos. 2, 8, 10-13, 18, 31, 32 and 35.

5.3 Confidential submissions

Resolved, on the motion of Mr Latham: That the committee keep submissions nos. 36, 37 and 39 confidential, as per the request of the **authors**.

5.4 Private briefing with Mr David Chandler OAM, NSW Building Commissioner

Resolved, on the motion of Mr. Farlow: That the secretariat record the briefing for the purposes of assisting its note taking, and that the recording be destroyed once the report is **drafted**.

The committee received a briefing from Mr David Chandler OAM, NSW Building Commissioner.

Resolved, on the motion of Mr. Buttigieg: That the committee accept and publish the following documents tendered during the private briefing:

- Building Commission NSW – Presentation
- Building Commission NSW – Presentation – Map
- Building Commission NSW – Presentation – Balancing regulation and industry load
- Building Commission NSW – Report - Building defects library.

5.5 Report tabling date

Resolved, on the motion of Mr Latham: That the committee defer consideration of extending the report tabling date from 30 September 2024 to 30 November 2024, pending the Chair's liaison with the Minister for Building on behalf of the committee to:

- understand the government's timeframe for introducing the proposed consolidated building legislation
- clarify the committee's role in reviewing the Design and Building Practitioners Act 2020 and the Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020, with a view to informing the development of the proposed consolidated building legislation
- determine the expected role of the committee in reviewing the proposed consolidated building legislation.

Resolved, on the motion of Mr Latham: That the secretariat, in consultation with the Chair, canvass member availability for one day of hearings.

6. Adjournment

The committee adjourned at 10.49 am, *Sine die*.

Rasika Somaweera
Committee Clerk

Minutes no. 29

Friday 13 September 2024

Public Accountability and Works Committee

Room 1043, Parliament House, Sydney at 1.47 pm

1. Members present

Ms Boyd, *Chair*

Mr Farlow, *Deputy Chair*

Mr Buttigieg (via videoconference)

Ms Faehrmann (via videoconference)

Dr Kaine

Mrs Mitchell (substituting for Mrs Taylor for the duration of the Review into the Design and Building Practitioners Act 2020 and the Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020)

Mr Primrose (via videoconference)

2. Apologies

Mr Latham

3. Previous minutes

Resolved, on the motion of Mr Farlow: That minutes no. 26 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Sent:

- 12 August 2024 – Letter from Chair, to Hon Anoulack Chanthivong MP, Minister for Building, regarding the development of the consolidated building legislation, as part of the building legislation review.

Received:

- 23 August 2024 – Letter from Mr John Collie, CEO, Fire Protection Association Australia, to Chair, regarding the status of the building legislation review as part of the building legislation review
- 26 August 2024 – Letter from the Hon Anoulack Chanthivong MP, Minister for Building, to Chair, in response to the letter regarding the development of the consolidated building legislation, as part of the building legislation review.

5. Review into the Design and Building Practitioners Act 2020 and the Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020

6.1 Private briefing with Hon Anoulack Chanthivong MP, Minister for Building

Resolved, on the motion of Mr Primrose: That the secretariat record the briefing for the purposes of assisting its note taking, and that the recording be destroyed once the report is drafted.

6.2 Report tabling date

Resolved, on the motion of Mr Farlow: That the report tabling date be extended to 19 December 2024.

6.3 Private briefing with Hon Anoulack Chanthivong MP, Minister for Building

The committee received a briefing from Hon Anoulack Chanthivong MP, Minister for Building.

The Minister was joined by the following personnel:

- Alicia Sylvester, Director of Policy for Minister Chanthivong
- Matt Press, A/ Building Commissioner
- Michael Marks, A/ Policy Director, Building Commission NSW.

6.4 Hearing date

Resolved, on the motion of Mr Farlow: That;

- No hearing is required at this stage for the review
- A private briefing with the Minister of Building be scheduled in November to discuss the findings of the public consultations regarding the Building Bill.

6. Adjournment

The committee adjourned at 2.29 pm, until Monday 16 September 2024 Preston Stanley Room, Parliament House, Sydney (first hearing – Inquiry into the Western Sydney Science Park and Aerotropolis developments).

Rasika Somaweera
Committee Clerk

Minutes no. 37

Thursday 3 April 2025

Public Accountability and Works Committee

Room 1043, Parliament House, Sydney at 11.04 am.

1. Members present

Ms Boyd, *Chair*

Mr Buttigieg

Ms Faehrmann (participating, via videoconference)

Mr Fang (substituting for Mrs Mitchell)

Mr Latham (via videoconference)

Mr Rath (substituting for Mr Farlow)

2. Apologies

Mr Primrose

3. Correspondence

The committee noted the following items of correspondence:

Received

- 2 April 2025 – Email from Mr Cooper Gannon, Mr Cooper Gannon, Acting Whip's Advisor, Office of the Hon. Chris Rath MLC, Opposition Whip in the Legislative Council, advising that the Hon. Chris Rath MLC will be substituting for the Hon. Scott Farlow MLC for the briefing with Minister Chanthivong.
- 3 April 2025 – Email from Mr Cooper Gannon, Acting Whip's Advisor, Office of the Hon. Chris Rath MLC, Opposition Whip in the Legislative Council to the secretariat, advising that the Hon. Wes Fang MLC will be substituting for the Hon. Sarah Mitchell MLC for the briefing with Minister Chanthivong.

4. Review into the Design and Building Practitioners Act 2020 and the Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020

Minister Chanthivong briefed the committee.

Minister Chanthivong was accompanied by:

- Mr Jonathan Stanbury, Policy Advisor
- Mr Tom Carney, Executive Director, Building Commission NSW.

Resolved, on the motion of Mr Buttigieg: That the Chair write to Minister Chanthivong to:

- request copies of the Government's draft building bill and submissions received during public consultation be provided to the committee
- request a response from the Minister within two weeks
- note the committee's intention to then consider to hold hearings into the proposed bills.

5. Adjournment

The committee adjourned at 11.25 am. *Sine die*.

Lauren Evans

Committee Clerk

Minutes no. 44

Friday 27 June 2025

Public Accountability and Works Committee

Macquarie Room, Parliament House, Sydney, 9.15 am.

1. Members presentMs Boyd, *Chair*Mr Rath, *Deputy Chair* (substituting for Mr Farlow for Review into the Design and Building Practitioners Act 2020 and the Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020)

Mr Buttigieg

Ms Faehrmann (participating member for Review into the Design and Building Practitioners Act 2020 and the Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020) (via videoconference)

Dr Kaine (via videoconference)

Mr Latham

Mrs Mitchell

Mr Primrose

2. Previous minutes

Resolved, on the motion of Mr Buttigieg: That draft minutes no. 43 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received

- 28 May 2025 – Letter from Minister Chanthivong to the committee, providing electronic copies of the submissions received during consultation on the Government's draft building bills
- 23 June 2025 – Email from Mr Paul Mills, Senior Caucus Liaison Officer, Premier's Office, to secretariat, advising of funeral at 3.15 pm on 27 June 2025
- 23 June 2025 – Email from Mr Anthony Landro, Senior Associate, Colin Biggers & Paisley, to the secretariat, regarding confidentiality of earlier correspondence
- 25 June 2025 – Text message from Ms Skye Tito, 2023 NSW Labor Candidate for Sydney to secretariat, advising she is unwell and unable to attend hearing on 27 June 2025
- 26 June 2025 - Affidavit of service from Ms Tina Higgins, Usher of the Black Rod, confirming service of summons on Mr Paul Mills, Senior Caucus Liaison Officer, Premier's Office
- 26 June – Email from Mr Josh Wright, Former Senior Advisor to then Opposition Leader Mr Chris Minns MP, to secretariat, advising of preexisting health conditions
- 26 June 2025 – Email from Ms Cherie Burton, Director, Caucus Liaison Unit, Office of the Hon Chris Minns MP, to secretariat, advising that she is only available to appear before committee from 10.30 am on 27 June 2025.

Sent

- 23 June 2025 – Summons from Chair to Mr Paul Mills, Senior Caucus Liaison Officer, Office of the Hon Chris Minns MP, to give evidence to the inquiry at 2.00 pm Friday 27 June 2025
- 26 June 2025 – Email from secretariat to Ms Cherie Burton, Director, Caucus Liaison Unit, Office of the Hon Chris Minns MP, requesting that she appear before the committee from 10.15 am on 27 June 2025
- 26 June 2025 - Letter from Chair to Mr Anthony Landro, Senior Associate, Colin Biggers & Paisley, regarding the request for a waiver of privilege.

Resolved, on the motion of Mr Latham: That the committee keep annexure 3 (the letter from Clayton Utz dated 16 April 2025) to the correspondence from Mr Todd Neal, Partner, Colin Biggers & Paisley,

requesting a waiver of privilege of evidence provided to the inquiry into Western Sydney Science Park and Aerotropolis developments, dated 13 June 2025, confidential, as per the request of the author.

Resolved, on the motion of Mrs Mitchell: That the committee keep correspondence from Mr Wright confidential, as it contains personal medical information.

4. Review into the Design and Building Practitioners Act 2020 and the Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020

4.1 Next steps for inquiry and extension of reporting date

Mrs Mitchell moved: That:

- the inquiry's terms of reference be amended to read:
 1. (a) That in accordance with section 109 of the Design and Building Practitioners Act 2020 and section 69 of the Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020 the Public Accountability and Works Committee is to review both Acts:
 - i. to consider the functions exercised or delegated by the Secretary, and
 - ii. to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain effective for securing those objectives, and
 - iii. to consider the desirability of establishing an independent NSW Building Commission to instead exercise the regulatory and oversight functions under this Act and other Acts relating to the construction of buildings.*
 - (b) The review is to be undertaken as soon as possible after 30 March 2022
 - (c) A report on the outcome of the review is to be tabled in the Legislative Council by 30 June 2022 (or by a later day determined by the committee)
 - (d) The Minister is to table in the Legislative Council a written response to the report within 3 months after tabling of the report.
- 2. That, in conducting its review, the Committee consider any legislative proposals or draft government bills that are intended to repeal the Design and Building Practitioners Act 2020 and the Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020.

*The committee notes that the Building Commission NSW was established as the regulator of the state's building and construction industry on 1 December 2023.

- submissions be reopened, with a closing date of two weeks before the first hearing
- the stakeholders who were originally invited to make a submission be invited to respond to the inquiry's amended terms of reference
- the committee hold two hearings in August/September, the dates of which are to be determined by the Chair after consultation with members regarding their availability
- the reporting date be extended to 1 November 2025.

Question put.

The committee divided.

Ayes: Ms Boyd, Mr Latham, Mrs Mitchell, Mr Rath

Noes: Mr Buttigieg, Mr Primrose.

Question resolved in the affirmative.

4.2 Publication status of submissions to Government's draft building bills

Resolved, on the motion of Mrs Mitchell: That the submissions received as part of the targeted consultation on the Government's draft building bills be kept confidential, as per the request of the Government.

Ms Faehrmann left the meeting.

5. Inquiry into the integrity, efficacy and value for money of the Local Small Commitments Allocation process

5.1 Request by Mr Paul Mills to be excused from hearing early

The committee noted that it agreed by email to allow Mr Paul Mills, Senior Caucus Liaison Officer, Office of the Hon. Chris Minns MP, to be excused from the hearing at 2.45 pm (instead of 3.00 pm as previously agreed).

5.2 Public hearing

Resolved, on the motion of Mrs Mitchell: That the sequence of questions is to alternate between opposition, crossbench and government members, in that order, with equal time allocated to each.

The public and media were admitted at 9.30 am.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

Mr Damian O'Connor, Former Chief of Staff, Office of the Hon John Graham MLC, was sworn and examined.

Dr Kaine joined the meeting via videoconference.

Mr Rath tabled a photo by Mr George Psihoyios, dated 12 February 2024, of written edits to email from Ms Alison Morgan to Mr Damian O'Connor, dated 1 December 2023.

The evidence concluded and the witness withdrew.

Ms Cherie Burton, Director, Caucus Liaison Unit, Office of the Hon Chris Minns MP, was admitted and examined on her former oath.

Mrs Mitchell tabled an email from Matthew Iemma to Kate Meagher, copying Cherie Burton, regarding an error in Sydney electorate figures, dated 1 February 2024.

The evidence concluded and the witness withdrew.

Ms Alison Morgan, Executive Director, Grant Program Office, Corporate Services Group, Premier's Department, was admitted and examined on her former oath.

Ms Kate Meagher, Deputy Secretary, Delivery and Engagement Group, Premier's Department, was sworn and examined.

Mrs Mitchell tabled the following documents:

- an email from Ms Alison Morgan to Ms Cherie Burton, about including Mr Alex Greenwich MP in the conflict-of-interest process, dated 21 October 2023
- an undated document titled 'Grant decisions under the Premier's Discretionary Fund 2023-24 allocation – Briefing for the Premier'.

Mr Latham tabled an undated document titled 'Current & Historical Company Extract Bandemonium Pty Ltd'.

The evidence concluded and the witnesses withdrew.

Mr Josh Wright, Former Senior Advisor to then Opposition Leader Mr Chris Minns MP, was sworn and examined.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Paul Mills, Senior Caucus Liaison Officer, Office of the Hon Chris Minns MP
- Mr George Psihoyios, Former Caucus Liaison Officer, Office of the Hon Chris Minns MP.

Mr Rath tabled an untitled and undated document showing a spreadsheet of Local Small Commitment Allocation contact details.

Mr Paul Mills was excused at 2.45pm.

The evidence concluded and Mr George Psihoyios withdrew.

Mr James Cullen, Chief of Staff, Office of the Hon Chris Minns MP, was sworn and examined.

The evidence concluded and the witness withdrew.

The public hearing concluded at 4.02 pm. The public and the media withdrew.

5.3 Tabled documents

Resolved, on the motion of Mrs Mitchell: That the committee accept and publish the following documents tabled during the public hearing, with the exception of personal information, contact details and residential addresses which are to be kept confidential:

- photo by Mr George Psihoyios, dated 12 February 2024, of written edits to email from Ms Alison Morgan to Mr Damian O'Connor, dated 1 December 2023, tabled by Mr Rath
- email from Matthew Iemma to Kate Meagher, copying Cherie Burton, regarding an error in Sydney electorate figures, dated 1 February 2024, tabled by Mrs Mitchell
- email from Ms Alison Morgan to Ms Cherie Burton, noting that Mr Alex Greenwich MP would be included in conflict-of-interest process, dated 21 October 2023, tabled by Mrs Mitchell
- undated document titled 'Grant decisions under the Premier's Discretionary Fund 2023-24 allocation – Briefing for the Premier', tabled by Mrs Mitchell
- undated document titled 'Current & Historical Company Extract – Bandemonium Pty Ltd', tabled by Mr Latham
- untitled and undated document showing a spreadsheet of Local Small Commitment Allocation contact details, tabled by Mr Rath.

5.4 Next steps for inquiry

Resolved, on the motion of Mrs Mitchell: That the committee seek advice from the clerk regarding:

- i) the options for obtaining the metadata from the list of nominated projects, funding amounts and contact details for the LSCA program originally provided to the Premier's department by the Premier's Office on 28 July 2023,
- ii) whether the original list of nominated projects and funding amounts for the LSCA program received by the Premier's Office from the NSW Labor campaign was provided to the Legislative Council as part of any return for papers under Standing Order 52, and if not, what action can be taken by the committee,
- iii) the options available to the committee when there is conflicting evidence provided to the committee, and
- iv) the options available to the committee where it appears a witness has been influenced in the evidence they have given.

6. Adjournment

The committee adjourned at 4.13 pm, until 29 July 2025, Workers Compensation Legislation Amendment Bill 2025 inquiry (public hearing).

Verity Smith

Committee Clerk

Minutes no. 46

Monday 11 August 2025

Public Works and Accountability Committee

Macquarie Room, Parliament House, Sydney at 9.17 am

1. Members present

Ms Boyd, *Chair*
 Mr Farlow, *Deputy Chair*
 Mr Buttigieg
 Ms Faehrmann (participating) (until 2.54 pm)
 Dr Kaine (*via videoconference*) (until 1.00 pm)
 Mr Latham (*via videoconference*)
 Mrs Mitchell (*via videoconference*)
 Mr Primrose

2. Correspondence

The committee noted the following items of correspondence:

Received

- 17 April 2025 – Letter from Minister Chanthivong, Minister for Building to the Chair, agreeing to provide copies of the submissions received during public consultation on the government's draft building bill and advising that a copy of the draft building bill subject to targeted consultation will not be shared with the committee at this time
- 14 May 2025 – Letter from Minister Chanthivong, Minister for Building to the Chair, advising that a copy of the government's draft building bill will not be shared at this time but is open to further discussion about providing the bill following its introduction to Parliament
- 22 July 2025 – Email from Ms Alison Kirk, NSW & ACT Manager, Consult Australia to the committee, declining the invitation to give evidence to the review on 11 August 2025
- 23 July 2025 – Letter from Clover Moore AO, Lord Mayor of Sydney to the Chair, requesting that the committee extend the deadline for submissions and the report until after release of the draft building bills
- 24 July 2025 – Letter from Mr George Roussos to the committee regarding a failure and maladministration by NSW Fair Trading in its mishandling of a strata agency agreement complaint
- 25 July 2025 – Email from Ms Gabrielle Lea, Senior Policy Lawyer, Law Society of NSW to committee, declining the invitation to give evidence to the review on 11 August 2025
- 28 July 2025 – Letter from Hon Anoulack Chanthivong, Minister for Building to the committee, declining the invitation to give evidence to the review as the government is currently deliberating on the draft bill and is therefore unable to provide further input at this time
- 30 July 2025 – Email from Dr Bruce Baer Arnold, University of Canberra to the committee, declining the invitation to give evidence to the review on 11 August 2025 due to other commitments
- 4 August 2025 – Email from Jacqueline Alexander, Executive Administrator, Australian Institute of Building Surveyors, to the committee, declining the invitation to give evidence to the Building Review inquiry on 11 August 2025
- 7 August 2025 – Letter from Ms Abigail Boyd MLC, Mrs Sarah Mitchell MLC and Mr Mark Latham MLC requesting a meeting of PAWC to consider a proposed self-reference into inquiry matters of impropriety relating to Bayside Council.

Sent

- 9 April 2025 – Letter from the Chair to Hon Anoulack Chanthivong, Minister for Building requesting copies of the draft building bill and submissions received during consultation on the government's draft bill
- 2 May 2025 – Letter from the Chair to the Hon Anoulack Chanthivong, Minister for Building reissuing the committee's request for a copy of the government's draft building bill.

3. Inquiry into the Workers Compensation Legislation Amendment Bill 2025

3.1 Approach to submissions

Resolved, on the motion of Mr Primrose: That, to enable significant efficiencies for members and the secretariat while maintaining the integrity of how submissions are treated, the committee may adopt the following approach to processing short submissions:

- All submissions from individuals 250 words or less in length will:
 - have an individual submission number, and be published with the author's name or as name suppressed, or kept confidential, according to the author's request
 - be reviewed by the secretariat for adverse mention and sensitive/identifying information, in accordance with practice
 - be channelled into one single document to be published on the inquiry website
- All other submissions will be processed and published as normal.

3.2 Public submissions

The committee noted that the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: 8, 11, 23, 37, 63, 71, 72, 73, 75, 93, 96, 97, 98, 99, 100, 110, 111, 113, 114, 115, 116, 121, 124, 126, 129, 148 and 149.

Resolved, on the motion of Mr Latham: That the committee authorise the publication of submission nos. 54, 60, 74, 76, 88, 89, 90, 101, 102, 104, 107, 108, 109, 117, 119, 120, 122, 125, 128, 130, 131, 132, 133, 134, 136, 137, 142, 146, 155, 161, 167 and 168.

3.3 Partially confidential submissions

Resolved, on the motion of Mr Primrose: That the committee keep the following information confidential, as per the request of the author: names in submissions nos. 19, 21, 24, 29, 51, 55, 59, 67, 78, 80, 81, 82, 84, 85, 91, 92, 151, 154, 157, 158, 159, 160, 163, 164, 169, 170 and 170a.

Resolved, on the motion of Mr Farlow: That the committee:

- authorise the publication of submission nos. 15, 18, 25, 28, 79 and 127 with the exception of identifying and/or sensitive information which are to remain confidential as per the recommendation of the secretariat.
- authorise the publication of submission nos. 18a, 20, 70, 83, 95, 95a, 95b and 162 with the exception of identifying and/or sensitive information and potential adverse mention which is to remain confidential as per the recommendation of the secretariat.
- authorise the publication of submission nos. 150, with the exception of identifying and/or sensitive information which is to remain confidential, as per the request of the author.

3.4 Confidential submissions

Resolved, on the motion of Mr Primrose: That the committee keep submission nos. 71a, 77, 86, 123, 139, 165 confidential, as per the request of the author.

4. Consideration of proposed terms of reference – Bayside Council

Chair tabled the letter proposing the following self-reference:

Matters of impropriety relating to Bayside Council

1. That the Public Accountability and Works Committee inquire into and report on matters of impropriety relating to Bayside Council, including:
 - (a) the selection of party candidates for the 2024 local government election, conflicts of interest, State ministerial involvement, the role of the Office of Local Government, ethical treatment of public servants, and
 - (b) any related matters.

Resolved, on the motion of Mr Latham: That the committee adopt the terms of reference.

5. **Review into the Design and Building Practitioners Act 2020 and the Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020 and related draft government bills**

5.1 **Public submissions**

Resolved, on the motion of Mr Farlow: That the committee authorise the publication of submission nos. 17a, 21a, 23a, 27a, 29a, 43a, 44a, 48 and 50-52.

5.2 **Partially confidential submissions**

Resolved, on the motion of Mr Primrose: That the committee authorise the publication of submission nos. 53, with the exception of identifying and/or sensitive information which are to remain confidential, as per the request of the author.

5.3 **Public hearing**

Resolved, on the motion of Mr Buttigieg: That the allocation of questions to be asked at the hearing be left in the hands of the Chair.

The Chair made an opening statement regarding parliamentary privilege and other matters.

Witnesses, the public and the media were admitted at 9.31 am

The following witnesses were sworn and examined:

- Ms Lisa King, Executive Director NSW, Australian Institute of Architects
- Ms Elizabeth Carpenter, NSW Chapter President, Australian Institute of Architect
- Ms Jo-Ann Kellock FDIA (Hons), CEO, Design Institute of Australia
- Ms Melanie Mackenzie, Chair, DIA National Interior Design Working Group, Design Institute of Australia
- Ms Bernadette Foley BE (Hons) GCertEd(H.Ed) FIEAust CPEng EngExec NER, Group Executive, Professional Standards and Engineering Practice, Engineers Australia

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr John Collie, CEO, Fire Protection Association Australia
- Mr Mark Whybro, NSW-ACT Manager, Fire Protection Association Australia
- Mr Joe Smith, National Fire Industry Association of Australia

The Chair left the meeting.

In the absence of the Chair, the Deputy Chair took the Chair for the purpose of the meeting.

The Chair rejoined the meeting.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Tom Forrest, CEO, Urban Taskforce Australia
- Ms Katie Stevenson, NSW Executive Director, Property Council of Australia
- Ms Carrie Metcalfe, Deputy Chair, NSW Building Regulation Advisory Group, Property Council of Australia
- Mr Gavin Melvin, Executive Director, Policy, Urban Development Institute of Australia
- Ms Harriet Platt-Hepworth, Director, Policy & Research, Urban Development Institute of Australia

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Mark Liversedge, General Manager, Australian Elevator Association
- Mr Lindsay LeCompte, Policy Advisor, Australian Elevator Association

- Mr Mark Vender, Advocacy and Policy Manager, AIRAH
- Mr Brett Fairweather, Mechanical Engineering Consultant - It's Engineered AIRAH representative to the Building Codes Committee and various BCNSW working groups
- Mr Richard McEncroe, Consultant, Plumbing Industry Climate Action Centre

The Chair left the meeting.

In the absence of the Chair, the Deputy Chair took the Chair for the purpose of the meeting.

The Chair rejoined the meeting.

The evidence concluded and the witnesses withdrew.

Dr Kaine left the meeting.

The following witnesses were sworn and examined:

- Mr Brad Armitage, NSW Executive Director, Housing Industry Association
- Mr Michael Said, Assistant Director, Housing Industry Association
- Mr David Glover, Managing Director, Owners Corporation Network of Australia
- Mr Dominic Dodwell, Director, Owners Corporation Network of Australia

Mr Armitage tendered the following documents: Photographs of different 'Class 2' buildings.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 2.45 pm. The public and the media withdrew.

Resolved, on the motion of Mr Farlow: That the committee accept and publish the following document tendered by Mr Armitage during the public hearing:

- Photographs of different 'Class 2' buildings.

5.4 Correspondence to Minister

Resolved, on the motion of Mr Farlow: That the Chair write to Minister Chanthivong to request:

- an update on the timeline for the new building legislation
- a copy of the most recent draft building bills on which the government has undertaken consultation with industry stakeholders and any additional draft bills
- a copy of any other summary information that the government has compiled following consultation
- a further private briefing by the Minister with the committee.

Ms Faehrmann left the meeting.

6. Inquiry into matters of impropriety relating to Bayside Council

Resolved, on the motion of Mr Latham: That:

- the inquiry not accept submissions
- the secretariat identify a time to hold an *in camera* hearing for up to two hours at the earliest opportunity for the purpose of inviting Witness A to appear in his private capacity
- the committee consider whether any further activity is required after the *in camera* hearing.

7. Adjournment

The committee adjourned at 3.05 pm, *sine die*.

Teneale Houghton
Committee Clerk

Minutes no. 47

Friday 19 September 2025

Public Accountability and Works Committee
Macquarie Room, Parliament House, Sydney at 10.02 am

1. Members present

Ms Boyd, *Chair*
Mr Farlow, *Deputy Chair*
Mr Donnelly (substituting for Mr Buttigieg)
Ms Faehrmann (participating) (*via videoconference*)
Mr Latham (from 10.25 am)
Mrs Mitchell (*via videoconference*) (from 10.35 am)
Mr Nanva (*via videoconference*) (substituting for Dr Kaine from 12.15 to 12.30 pm)
Mr Primrose
Ms Suvaal (*via videoconference*) (substituting for Dr Kaine until 10.11 am)
Mr Tudehope (substituting for Mrs Mitchell until 10.11 am)

2. Previous minutes

Resolved, on the motion of Mr Primrose: That draft minutes no. 46 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received

- 21 July 2025 – Email from George Rousos, requesting oversight into administration of ex gratia applications, complaints, and compliance management by government departments
- 15 August 2025 – Email from Mr George Rousos, to the committee, requesting oversight and investigation into administration and alleged criminal misconduct by NSW government agencies
- 18 August 2025 – Email from Mr George Rousos requesting an update from Department of Community and Justice regarding ex gratia application
- 18 August 2025 – Email from Mr George Rousos, to secretariat, noting support received from the NSW Small Business Commissioner regarding his ex gratia application
- 18 August 2025 – Email from Mr George Rousos, to secretariat, providing additional information and documentation relating for consideration by committee
- 20 August 2025 – Email from Mr Mark Whybro, NSW-ACT Manager, Fire Protection Australia, requesting transcript clarification of the first hearing of the Review into the Design and Building Practitioners Act 2020 and the Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020 and related draft government bills inquiry on 11 August 2025
- 21 August 2025 – Email from Mr George Rousos to secretariat, reiterating request for oversight into the administration of ex gratia applications, complaints, and compliance matters by government departments
- 24 August 2025 – Email from Mr George Rousos requesting update from Department of Community and Justice regarding ex gratia application
- 25 August 2025 – Email from Mr George Rousos to Chair, requesting oversight and investigation into administration and alleged criminal misconduct by NSW government agencies
- 25 August 2025 – Email from Mr George Rousos responding to correspondence from NSW Ombudsman
- 25 August 2025 – Email from Mr George Rousos to Chair, providing further information regarding NSW Fair Trading and the Ombudsman's handling of a strata agency agreement complaint
- 25 August 2025 – Email from Ms Alicia Sylvester, Director of Policy, Office of the Hon Anoullack Chanthivong MP, responding to the committee's request for further information regarding the proposed consolidated building legislation
- 27 August 2025 – Email from Mr George Rousos, to committee, requesting oversight and investigation into administration and alleged criminal misconduct by NSW government agencies

- 29 August 2025 – Email from Mr George Rousos responding to correspondence from the NSW Ombudsman regarding the status of his complaint
- 2 September 2025 – Email from Mr George Rousos, to secretariat, requesting an update on his correspondence
- 4 September 2025 – Email from Mr George Rousos, to secretariat, raising concerns regarding the manner in which his complaint has been handled by the NSW Ombudsman office
- 8 September 2025 – Email from Dr Bruce Baer Arnold, University of Canberra to the committee, declining the invitation to give evidence to the review on 19 September 2025 due to other commitments
- 11 September 2025 – Email from Ms Jacqueline Alexander, Executive Administration, Australian Institute of Building Surveyors (AIBS), advising that AIBS is unable to attend the September hearing
- 11 September 2025 – Email from Ms Gabrielle Lea, Senior Policy Officer, Law Society of New South Wales, advising that the Law Society of New South Wales is unable to attend the September hearing
- 15 September 2025 – Email from Mr Ben Carter, Head of Government Relations, Marketing & Corporate Affairs, Master Builders NSW, advising that Master Builders is unable to attend the September hearing and is happy respond to any questions from the committee in writing

Received: Inquiry into Workers Compensation Legislation (Amendment) Bill 2025

- 28 July 2025 – Email from an individual to the secretariat and Chair, raising concerns about the appearance of a witness at a hearing for the inquiry into the Workers Compensation Legislation Amendment Bill 2025
- 28 July 2025 – Email from an individual raising concerns that his submission has not yet been published for the inquiry into the Workers Compensation Legislation Amendment Bill 2025
- 30 July 2025 – Email from an individual to the Chair, criticising SafeWork NSW and Mr Graeme Head, Secretary of the Department of Customer Service, in the context of the inquiry into the Workers Compensation Legislation Amendment Bill 2025
- 5 August 2025 – Email from an individual to the secretariat, responding to the Independent inquiry – SIRA in the context of the inquiry into the Workers Compensation Legislation Amendment Bill 2025
- 6 August 2025 – Email from an individual to the committee, commenting on the Special Inquiry Report – SIRA conducted by the Hon Alan Robertson AM SC
- 12 August 2025 – Email from an individual to the Chair, commenting on the accountability and transparency issues within the Workers Compensation system, in relation to the inquiry into the Workers Compensation Legislation Amendment Bill 2025
- 24 August 2025 – Email from Mr Tyler Thomsen raising concerns that his submission to the Workers Compensation Legislation Amendment Bill inquiry had not yet been published
- 24 August 2025 – Email from Mr James Joseph to the secretariat raising concerns that his submission to the Workers Compensation Legislation Amendment Bill inquiry had not yet been published
- 25 August 2025 – Email from an individual to the secretariat raising concerns about the Special Inquiry Report – SIRA conducted by the Hon Alan Robertson AM SC
- 4 September 2025 – Email from Mr Tyler Thomsen attaching recommendations concerning the Workers Compensation Legislation Amendment Bill 2025.

Sent

- 15 August 2025 – Letter from Chair to Hon Anoulack Chanthivong, Minister for Building seeking further information regarding the proposed consolidated building legislation.

Resolved, on the motion of Mr Farlow: That:

- the correspondence from Mr George Rousos to committee, raising various concerns, dated 21 July, 15, 18, 21, 24, 25, 27 and 29 August, 2 and 4 September 2025, be kept confidential as per the recommendation of the secretariat as they contain sensitive information and potential adverse mention
- the Chair write to Mr Rousos on behalf of the committee, acknowledging his correspondence.

Resolved, on the motion of Mr Primrose: That:

- the committee authorise the publication of correspondence from an individual dated 28 July 2025 raising concerns that his submission to the inquiry had not been published, with the exception of the author's name, as per the recommendation of the secretariat
- the committee authorise the publication of correspondence from an individual dated 6 August 2025 regarding the Special Inquiry Report – SIRA, with the exception of the name of the author and the name of the author of a confidential submission to the inquiry as per the recommendation of the secretariat
- the committee authorise the publication of correspondence from an individual dated 28 July, 30 July, 5 August and 25 August 2025 raising concerns of relevance to the inquiry with the exception of the author's name, and with the exception of attachments to the correspondence dated 28 July 2025, which are to be kept confidential as per the recommendation of the secretariat as they contain sensitive material and potential adverse mention
- the committee authorise the publication of correspondence from an individual dated 12 August 2025 commenting on accountability and transparency issues within the Workers Compensation system with the exception of the author's name, and with the exception of attachments to the correspondence, which are to be kept confidential as per the recommendation of the secretariat, as they contain sensitive material.

4. Inquiry into the Workers Compensation Legislation Amendment Bill 2025

4.1 Public submissions

The committee noted publication of submissions nos. 34a, 34b, 34c, 69, 83a, 87, 103, 106, 143, 144, 145, 153, 173, 198.

4.2 Partially confidential submissions

Resolved on the motion of Mr Primrose: That the committee keep the following information confidential, as per the request of the author:

- names of individuals in submissions nos. 7a, 174, 184, 185, 186, 187, 192, 194 and 195.
- the name of the organisation in submission no. 105.

Resolved, on the motion of Mr Primrose: That the committee authorise the publication of submissions no. 58 and 180 with the exception of identifying and sensitive information and potential adverse mention which are to remain confidential as per the recommendation of the secretariat.

4.3 Confidential submissions

Resolved, on the motion of Mr Primrose: That the committee

- keep submission no. 61 confidential as per the recommendation of the secretariat, as it contains potential adverse mention
- keep submissions no.118, 141, 181 and 183 confidential as per the requests of the authors.

4.4 Attachments to submissions

Resolved, on the motion of Mr Primrose: That the committee authorise the publication of the attachment to submission no. 105.

4.5 Answers to questions on notice and supplementary questions

The committee noted that the following answers to questions on notice and supplementary questions, following the 29 July 2025 hearing, were published:

- answers to questions on notice from Australasian Association of Medico-Legal Providers, received 12 August 2025
- answer to question on notice and supplementary question from Australian Hotels Association, received 19 August 2025
- answers to supplementary questions from GIO, received 28 August 2025
- answers to questions on notice and supplementary questions from icare, received 29 August 2025
- answers to questions on notice from Audit Office of New South Wales, received 29 August 2025

- answer to question on notice and supplementary question from Law Society of NSW, received 29 August 2025
- answer to question on notice from GIO, received 29 August 2025
- answers to questions on notice from Australian Rehabilitation Provider Association NSW, received 29 August 2025
- answers to questions on notice and supplementary questions from State Insurance Regulatory Authority, received 29 August 2025
- answers to questions on notice and supplementary question from Clubs NSW, received 29 August 2025
- answers to question on notice and supplementary questions from Allianz, received 29 August 2025
- answers to questions on notice and supplementary questions from EML, received 1 September 2025
- answer to supplementary question from the Pharmacy Guild of Australia, received 1 September 2025
- answers to questions on notice and supplementary question from the NSW Bar Association, received 2 September 2025.

The committee also considered the publication status of the following answers to supplementary questions and an answer to a question on notice:

- answers to supplementary questions 29 to 31 from Allianz, received 29 August 2025, over which Allianz made a claim of commercial in confidence
- answers to supplementary questions and question on notice from Gallagher Bassett, received 29 August 2025 and 1 September 2025, over which Gallagher Bassett has requested confidentiality as it considers the answers to contain commercially sensitive information and to include commercial in confidence information related to financial payments received from icare and whether performance targets have been met.

Resolved, on the motion of Mr Tudehope: That

- the Chair write to Allianz on behalf of the committee requesting further detail, in writing, as to why it is making a claim of commercial in confidence concerning its answers to supplementary questions 29 to 31, received 29 August 2025
- the Chair write to Gallagher Bassett on behalf of the committee requesting further detail, in writing, as to why it is seeking confidentiality in respect of its answers to supplementary questions and question on notice, received 29 August and 1 September 2025.

4.6 Clarification of evidence

Resolved, on the motion of Mr Donnelly: That the document from EML, dated 29 August 2025 seeking to clarify evidence given by Mr Matthew Rodwell, General Manager, Insurance for NSW, EML, at the committee's 29 July 2025 workers' compensation hearing be published and the evidence be clarified by inserting an explanatory footnote into the transcript of evidence.

4.7 Additional bill referred to inquiry

The committee noted that on 9 September 2025, on the recommendation of the Selection of Bills Committee, the House resolved that:

- the provisions of the Workers Compensation Legislation Amendment (Reform and Modernisation) Bill 2025 be referred to the Public Accountability and Works Committee to be considered as part of its inquiry into the Workers Compensation Legislation Amendment Bill 2025
- the bill stand referred to the committee on receipt of the message from the Legislative Assembly forwarding the bill, the bill being read a first time and the statement of public interest being tabled.

4.8 Updated terms of reference

The Chair tabled the following updated terms of reference:

- i) That the Workers Compensation Legislation Amendment Bill 2025 be referred to the Public Accountability and Works Committee for inquiry and report, including the examination of the impact of the bill on business and economic conditions in New South Wales.
- ii) That the committee determine its own reporting date.

- iii) That, according to standing order 241(2), the committee should, with the consent of the Treasurer, consider making use of the services of any staff or facilities of a government department, administrative office or public body.
- iv) That, notwithstanding anything to the contrary in the standing and sessional orders, on the tabling of the report of Public Accountability and Works Committee, the second reading debate on the bill will be set down as an order of the day for a later hour.
- v) That:
 - o the provisions of the Workers Compensation Legislation Amendment (Reform and Modernisation) Bill 2025 be referred to the Public Accountability and Works Committee to be considered as part of its inquiry into the Workers Compensation Legislation Amendment Bill 2025, and
 - o the bill stand referred to the committee on receipt of the message from the Legislative Assembly forwarding the bill, the bill being read a first time and the statement of public interest being tabled.

4.9 Conduct of inquiry

Resolved, on the motion of Mr Tudehope: That:

- the Chair write to targeted stakeholders seeking comment on the Workers Compensation Legislation Amendment (Reform and Modernisation) Bill 2025, drawing attention to the AI-related provisions of the Bill
- the secretariat circulate the Chair's proposed targeted stakeholder list for feedback with the list agreed to by email unless a member requests the Chair to convene a meeting to resolve any disagreement.

5. Review into the Design and Building Practitioners Act 2020 and the Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020 and related draft government bills

5.1 Public submissions

The committee noted publication of submission nos. 54, 49, 50a.

5.2 Transcript clarification – 11 August 2025

Resolved, on the motion of Mr Donnelly: That the committee authorise the publication of correspondence from Mr Mark Whybro, NSW-ACT Manager, Fire Protection Association Australia, received 20 August 2025, and authorise the insertion of a footnote at the relevant point on page 16 of the transcript of 11 August 2025 to clarify that 'the Fire System Design (FSD) and Fire Safety Assessment (FSA) are currently recognised by NSW Government'.

5.3 Post-hearing responses – Design Institute of Australia

Resolved, on the motion of Mr Farlow: That the committee publish the additional information provided 8 September 2025 by Ms Jo-Ann Kellock, CEO, Design Institute of Australia, as part of her post-hearing responses.

5.4 Extension of reporting date

Resolved, on the motion of Mr Farlow: That the committee extend its reporting date to report by 11 November 2025.

5.5 Report deliberative date

The committee noted that it agreed via email on 5 September 2025 to hold the report deliberative on 30 October 2025.

6. Public hearing

Resolved, on the motion of Mr Primrose: That the allocation of questions to be asked at the hearing be left in the hands of the Chair.

The Chair made an opening statement regarding parliamentary privilege and other matters.

Witnesses, the public and the media were admitted at 10.30 am.

The following witness was sworn and examined:

- Mr David Chandler, former Building NSW Commissioner

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Stephen Pearse, Director, stephen pearse architect Pty Ltd and representative, Association of Consulting Architects
- Mr Peter Smith, Director, Smith & Tzannes and representative, Association of Consulting Architects

The Chair left the meeting.

In the absence of the Chair, the Deputy Chair took the Chair for the purpose of the meeting.

The Chair rejoined the meeting.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Kristy Eulenstein, Head of Policy and Government Relations, Consult Australia
- Ms Alison Kirk, NSW & ACT Manager, Consult Australia

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 12.13 pm. The public and the media withdrew.

Ms Faehrmann left the meeting.

Mr Nanva joined the meeting.

7. Inquiry into matters of impropriety relating to Bayside Council

7.1 Request from Witness A

Committee discussed request of Witness A to have support person present at the *in camera* hearing.

Resolved, on the motion of Mr Farlow: That

- the committee allow Witness A's support person to attend the *in camera* hearing
- the secretariat communicate to the witness that the committee is not planning to ask questions about a particular matter
- the support person is not to take notes during the hearing
- the opening statement is to make it clear that confidentiality requirements are to apply to the support person
- any questions about a particular matter are to be considered out of order.

8. Adjournment

The committee adjourned at 12.30 pm, *sine die*.

Elspeth Dyer and Teneale Houghton
Committee Clerks

Draft minutes no. 57

Thursday 6 November 2025

Public Accountability and Works Committee

Room 1043, Parliament House Sydney at 2.30 pm

1. Members present

Ms Boyd, *Chair*
 Mr Farlow, *Deputy Chair* (via videoconference)
 Mr Buttigieg
 Dr Kaine (via videoconference)
 Mrs Mitchell (via videoconference)
 Mr Primrose (via videoconference)
 Mr Rath (substituting for Mr Farlow for LCSA inquiry items)

2. Apologies

Mr Latham

3. Correspondence

The committee noted the following items of correspondence:

Received

- 13 June 2024 – Email from Jess Holgersson to secretariat advising that Cate Faehrmann will be a participating member for the Building legislation review inquiry
- 11 September 2024 – Email from Cooper Gannon, Opposition Whip in the Legislative Council, to secretariat advising that the Hon. Sarah Mitchell MLC will substitute for the Hon. Bronnie Taylor MLC for the duration of the Building legislation review inquiry
- 2 April 2025 – Email from Mr Cooper Gannon, Mr Cooper Gannon, Acting Whip's Advisor, Office of the Hon. Chris Rath MLC, Opposition Whip in the Legislative Council, advising that the Hon. Chris Rath MLC will be substituting for the Hon. Scott Farlow MLC for the briefing with Minister Chanthivong
- 3 April 2025 – Email from Mr Cooper Gannon, Acting Whip's Advisor, Office of the Hon. Chris Rath MLC, Opposition Whip in the Legislative Council to the secretariat, advising that the Hon. Wes Fang MLC will be substituting for the Hon. Sarah Mitchell MLC for the briefing with Minister Chanthivong
- 24 July 2025 – Email from Mr George Rousos to the committee regarding a failure and maladministration by NSW Fair Trading in its mishandling of a strata agency agreement complaint
- 28 September 2025 – Email from Mr George Rousos, to committee providing further information regarding his ex gratia application an reiterating request for oversight and investigation by the committee
- 29 September 2025 – Email from Mr David Chandler, former NSW Building Commissioner, to secretariat providing additional information
- 13 October 2025 – Email from George Rousos to secretariat sharing correspondence with Department of Communities and Justice concerning his ex gratia application
- 13 October 2025 – Email from George Rousos to committee providing information about the NSW Ombudsman's policy for reviewing for complaints
- 16 October 2025 – Email from Mr George Rousos to committee sharing correspondence with the Department of Communities and Justice concerning his ex gratia application
- 20 October 2025 – Email from Mr George Rousos to committee providing a high-level summary of key points concerning his ex gratia application and related systemic failures by the Department of Communities and Justice
- 20 October 2025 – Email from Mr George Rousos to secretariat explaining that the purpose of his previous correspondence was to request that the committee investigate conduct of the Department of Justice on a systemic level
- 28 October 2025 – Email from Mr George Rousos to committee advising that correspondence and documentation relating to his ex gratia application has been forwarded to the Office of the Hon. Kate Washington MP, Minister for Families and Communities
- 28 October 2025 – Email from Mr George Rousos to Minister Washington concerning his ex gratia application
- 31 November 2025 – Email from Mr George Rousos to secretariat follow on earlier correspondence with the committee

- 1 November 2025 – Email from Mr George Rousos to Minister Washington providing further information concerning his ex gratia application
- 3 November 2025 – Email from Ms Cherie Burton, Director, Caucus Liaison Unit, Premier's Office, to secretariat, requesting further information about the invitation to appear at hearing on 14 November 2025
- 4 November 2025 – Email from Ms Cherie Burton, Director, Caucus Liaison Unit, Premier's Office, to secretariat, on behalf of herself and Mr Paul Mills, Senior Caucus Liaison Officer, Premier's Office, declining to appear at hearing on 14 November 2025.

Sent

- 22 September 2025 – Letter from Chair to Mr George Rousos, acknowledging his correspondence to the committee
- 4 November 2025 – Email from the secretariat to Ms Cherie Burton, Director, Caucus Liaison Unit, Premier's Office, outlining the committee's reasons for the invitation to appear on 14 November 2025

Resolved, on the motion of Mr Buttigieg: That the correspondence from Mr George Rousos to committee and secretariat, raising various concerns, dated 24 July 2025, 28 September 2025 and 13, 16, 20, 28 October 2025 and 1 November 2025 be kept confidential as per the recommendation of the secretariat as they contain sensitive information and potential adverse mention.

4. Inquiry into the integrity, efficacy and value for money of the Local Small Commitments Allocation

4.1 Witnesses for hearing Friday 14 November 2025

The committee noted that Ms Cherie Burton, Director, Caucus Liaison Unit, Premier's Office, and Mr Paul Mills, Senior Caucus Liaison Officer, Premier's Office, declined to appear at the hearing on Friday 14 November.

Mr Rath moved: That the committee issue a summons, under the authority of s 4(2) of the Parliamentary Evidence Act 1901, for Ms Cherie Burton, Director, Caucus Liaison Unit, Premier's Office, and Mr Paul Mills, Senior Caucus Liaison Officer, Premier's Office, to attend and give evidence before the committee on Friday 14 November 2025 for 1.5 hours at a time nominated by the Chair.

Question put.

The committee divided.

Ayes: Ms Boyd, Mrs Mitchell, Mr Rath.

Noes: Mr Buttigieg, Dr Kaine, Mr Primrose.

Question resolved in the affirmative on the casting vote of the Chair.

5. Review into the Design and Building Practitioners Act 2020 and the Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020 and related draft government bills

5.1 Correspondence between committee and Minister for Building

Resolved, on the motion of Mrs Mitchell: That the committee authorise the publication of:

- Letter from the Chair to the Hon. Anoulack Chanthivong MP, Minister for Building, requesting copies of the draft building bill and submissions received during consultation on the government's draft bill, dated 9 April 2025
- Letter from the Hon. Anoulack Chanthivong MP, Minister for Building to the Chair, agreeing to provide copies of the submissions received during public consultation on the government's draft building bill and advising that a copy of the draft building bill subject to targeted consultation will not be shared with the committee at this time, dated 17 April 2025
- Letter from Chair to the Hon. Anoulack Chanthivong MP, Minister for Building, reissuing the committee's request for a copy of the government's draft building bill, dated 2 May 2025

- Letter from the Hon. Anoulack Chanthivong MP, Minister for Building to the Chair, advising that a copy of the government's draft building bill will not be shared at this time, dated 14 May 2025
- Letter from the Hon. Anoulack Chanthivong MP, Minister for Building, to the committee, providing electronic copies of the submissions received during consultation on the Government's draft building bills, dated 27 May 2025
- Letter from the Chair to the Hon. Anoulack Chanthivong MP, Minister for Building, seeking further information regarding the proposed consolidated building legislation, dated 15 August 2025
- Email from Ms Alicia Sylvester, Director of Policy, Office of the Hon Anoulack Chanthivong MP to Chair, responding to committee's request for further information regarding the proposed consolidated building legislation, dated 25 August 2025.

5.2 Draft correspondence to Mr George Rousos

Resolved, on the motion of Mrs Mitchell: That:

- the Chair write to Mr George Rousos responding to recent correspondence, as per the draft letter
- that this correspondence be kept confidential as per the recommendation of the secretariat as it contains sensitive information and potential adverse mention

5.3 Answers to questions on notice and supplementary questions

The committee noted that the following answers to questions on notice and supplementary questions were published by the committee clerk under the authorisation of the resolution appointing the committee:

- Mr Stephen Pearse, Director, stephen pearse architect Pty Ltd, Association of Consulting Architects, received 16 October 2025.

5.4 Consideration of Chair's draft report

The Chair submitted her draft report entitled *Review into the Design Building Practitioner Act 2020 and the Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020 and related draft government bills*, which having been previously circulated, was taken as being read.

Chapter 1

Mr Buttigieg moved: That paragraph 1.42 be amended by:

- a) inserting 'on the basis that the draft Bills are Cabinet documents that remain the subject of Government deliberations' after 'the Government refused this request'
- b) omitting 'refused' after 'however the Government' and inserting instead 'denied'.

Question put.

The committee divided.

Ayes: Mr Buttigieg, Dr Kaine and Mr Primrose.

Noes: Ms Boyd, Mr Farlow and Mrs Mitchell.

There being an equality of votes, question resolved in the negative on the casting vote of the Chair.

Chapter 2

Mr Buttigieg moved: That paragraph 2.90 be amended by omitting:

'the government's refusal to provide the committee with the draft bills greatly impacted this review. It also was frustrating and confusing for many stakeholders who gave evidence. While we acknowledge that the NSW Government has provided us with some copies of the stakeholder's submissions received as part of the government-led consultation' after 'other pieces of legislation'

and inserting instead:

'the review has been affected by the Government's stated inability to share the draft bills with the committee, given they are Cabinet documents. While we acknowledge that the NSW Government facilitated the sharing of submissions from stakeholders who had given their approval,'

Question put.

The committee divided.

Ayes: Mr Buttigieg, Dr Kaine and Mr Primrose.

Noes: Ms Boyd, Mr Farlow and Mrs Mitchell.

There being an equality of votes, question resolved in the negative on the casting vote of the Chair.

Chapter 3

Mr Buttigieg moved: That Finding 3 be amended by:

- a) omitting 'widespread confusion in the industry' and inserting instead 'confusion in the industry'
- b) inserting at the end: 'Notwithstanding this, the committee acknowledges that the Government did extend the consultation period at the request of industry stakeholders.'

Question put and passed.

Chapter 2

Mr Buttigieg moved: That Finding 1 be omitted: 'The government's refusal to provide the committee with draft building bills intended to replace the *Design and Building Practitioners Act 2020* and the *Residential Apartment Building (Compliance and Enforcement Powers) Act 2020*, despite sharing them with industry stakeholders, impacted the ability of this committee to adequately undertake this statutory review', and the following new finding be inserted instead:

'The Government maintained that it had legitimate reasons, in accordance with Cabinet rules, to not provide the committee with the draft building bills intended to replace the *Design and Building Practitioners Act 2020* and the *Residential Apartment Building (Compliance and Enforcement Powers) Act 2020*. The Bills were shared with industry stakeholders as part of targeted consultation.'

Question put.

The committee divided

Ayes: Mr Buttigieg, Dr Kaine and Mr Primrose

Noes: Ms Boyd, Mr Farlow and Mrs Mitchell

There being an equality of votes, question resolved in the negative on the casting vote of the Chair.

Mr Farlow moved: That:

The draft report as amended be the report of the committee and that the committee present the report to the House

The transcripts of evidence, tabled documents, submissions, correspondence, answers to questions taken on notice and supplementary questions relating to the inquiry be tabled in the House with the report

Upon tabling, all unpublished attachments to submissions be kept confidential by the committee

Upon tabling, all unpublished transcripts of evidence, tabled documents, submissions, correspondence, answers to questions taken on notice and supplementary questions related to the inquiry be published by the committee, except for those documents kept confidential by resolution of the committee

The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling

The committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee

Dissenting statements be provided to the secretariat within 24 hours after receipt of the draft minutes of the meeting

The secretariat is tabling the report at 9.45 am, 11 November 2025

The Chair to advise the secretariat and members if they intend to hold a press conference, and if so, the date and time.

Question put and passed.

6. Adjournment

The committee adjourned at 3.00 pm until Friday 14 November, Jubilee room, Parliament House (public hearing – inquiry into Local Small Commitments Allocation process)

Teneale Houghton

Committee Clerk

Review into the Design and Building Practitioners Act 2020 and the Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020 and related draft government bills

