

Question 1

The Hon. COURTNEY HOUSSOS: Are there any additional buildings to those eight that contain public agencies but are not owned by the Government?

Mr TANSEY: Yes, there would be. There are private buildings in which public servants are tenants.

The Hon. COURTNEY HOUSSOS: How many of those?

Mr TANSEY: I do not have that figure in front of me.

The Hon. COURTNEY HOUSSOS: Can you take that on notice please?

Mr TANSEY: Yes. I will certainly take it on notice. From best recollection it is about 18.

Answer

As of 19 December 2019, 14 buildings in which accommodation is leased for NSW Government agencies through Property NSW are at various stages of assessment.

Question 2

The CHAIR: When will Mr Chandler's recommendations on flammable cladding be made publicly available? He gave evidence that he had provided his recommendations to the Minister within a few weeks of assuming his position. That is now well over three months ago. When will Mr Chandler's recommendations be made publicly available by you?

Ms WEBB: I do not have an answer. They will not be made publicly available by me. I think they will be made publicly available by the Minister, as I understand.

The CHAIR: When can we expect the Government's response to be made publicly available?

The Hon. TREVOR KHAN: That is a matter for the Minister, I think.

Ms WEBB: I think that is right.

The CHAIR: Is that your answer? You do not have a timetable?

Ms WEBB: I honestly do not have an answer to that. I could take it on notice and see if I can identify any more detail, but I do not have an answer today.

Answer

This question should be directed to the Minister.

Question 3

The Hon. COURTNEY HOUSSOS: We heard earlier today that the Building Commissioner had made a presentation to Local Government NSW on his plans for flammable cladding. Are you able to provide a copy of that to this Committee?

Ms WEBB: Of the presentation?

The Hon. COURTNEY HOUSSOS: Yes.

Ms WEBB: I will look into that. I will certainly take it on notice.

Answer

The Building Commissioner made a presentation to Local Government NSW on a variety of building and construction sector issues. There was no presentation on flammable cladding and as such no copy can be provided to the Committee.

Question 4

The Hon. JOHN GRAHAM: What powers will the Building Commissioner have?

Ms WEBB: We currently have the provisions in relation to banning specific products under the Building Products (Safety) Act and those powers would be able to be delegated to the Building Commissioner.

The CHAIR: "Would be able to"?

Ms WEBB: I will just take on notice whether we have issued that. I think we have actually now delegated those to him but I can double-check that.

Answer

The power of the Commissioner for Fair Trading to prohibit the use of specific building products under Section 9 of the *Building Products (Safety) Act* will be delegated to the Building Commissioner. Details of other powers that have been delegated to the Building Commissioner are included in response to question 5.

Question 5

Ms WEBB: The powers under the Building Products (Safety) Act, the powers under the Building Professionals Act, the powers under the Home Building Act, the powers under the Work Health and Safety Act, as far as I know.

The CHAIR: Has Biowood been—

The Hon. TREVOR KHAN: Would you be able to provide for us some detail as to what those powers are?

Ms WEBB: Yes. We will give an answer.

Mr TANSEY: I am just checking but I believe that we have, either to this Committee or the estimates committee, provided those same issues on notice before.

The Hon. TREVOR KHAN: You might have, but if it is to estimates—

Mr TANSEY: We find them again.

Ms WEBB: We will provide that.

Answer

The Building Commissioner has been appointed as an investigator for the purposes of the *Fair Trading Act 1987* providing a broad set of compliance and enforcement powers under all legislation administered by the Minister for Better Regulation and Innovation. The applicable Acts are the:

- *Associations Incorporation Act 2009*
- *Betting and Racing Act 1998*
- *Biofuels Act 2007*
- *Boarding Houses Act 2012*

- *Building and Construction Industry Long Service Payments Act 1986*
- *Building and Construction Industry Security of Payment Act 1999*
- *Building Products (Safety) Act 2017*
- *Building Professionals Act 2005*
- *Charitable Fundraising Act 1991*
- *Coal Mine Subsidence Compensation Act 2017*
- *Community Gaming Act 2018*
- *Community Land Management Act 1989*
- *Conveyancers Licensing Act 2003*
- *Co-operative Housing and Starr-Bowkett Societies Act 1998*
- *Dangerous Goods (Road and Rail Transport) Act 2008*
- *Entertainment Industry Act 2013*
- *Environmental Planning and Assessment Act 1979 (Part 6)*
- *Explosives Act 2003*
- *Funeral Funds Act 1987*
- *Gas and Electricity (Consumer Safety) Act 2017*
- *Greyhound Racing Act 2017*
- *Hairdressers Act 2003*
- *Harness Racing Act 2009*
- *Holiday Parks (Long-term Casual Occupation) Act 2002*
- *Home Building Act 1989*
- *Landlord and Tenant Act 1899*
- *Lotteries and Art Unions Act 1901*
- *Motor Dealers and Repairers Act 2013*
- *Paintball Act 2018*
- *Partnership Act 1892*
- *Pawnbrokers and Second-hand Dealers Act 1996*
- *Plumbing and Drainage Act 2011*
- *Professional Standards Act 1994*
- *Property, Stock and Business Agents Act 2002*
- *Racing Appeals Tribunal Act 1983*
- *Residential (Land Lease) Communities Act 2013*
- *Residential Tenancies Act 2010*
- *Retail Trading Act 2008*
- *Retirement Villages Act 1999*
- *Strata Schemes management Act 2015*
- *Swimming Pools Act 1992*
- *Tattoo Parlours Act 2012*
- *Thoroughbred Racing Act 1996*
- *Tow Truck Industry Act 1998*
- *Uncollected Goods Act 1995*
- *Work Health and Safety Act 2011*

This list includes legislation relating to building, design and construction work ('regulated work'), and the oversight of licence and registration holders who perform these types of regulated work.

In particular, the Building Commissioner has been equipped with a broad set of compliance and enforcement powers for any authorised purpose currently available under the *Building Products (Safety) Act 2017*, the *Building Professionals Act 2005*, the *Home Building Act 1989*, and the *Work, Health and Safety Act 2011*.

The use of these powers will depend on his needs, and generally include powers such as:

- to require information, records and answers
- to record evidence

- to enter premises in which business is in progress or carried out on the premises, or to enter a residential premise with the permission of the occupier or under the authority of a search warrant
- to examine and inspect anything, take and remove samples of a thing, direct a reasonably qualified person to open, or to cut into or pull down any work if it is reasonably believed the work is in contravention of the law
- to make examinations, inquiries, measurements or tests considered necessary
- to proactively investigate certain types of work
- to issue warning notices about certain types of licence/registration holders, and to suspend, cancel, revoke or issue conditions on certain licence/registration holders.

The Design and Building Practitioners Bill which is currently before the Parliament also provides for a broad range of new compliance and enforcement powers which will also be delegated to the Building Commissioner following passage of the Bill.

Question 6

The Hon. JOHN GRAHAM: Can I now ask about the dashboard again? This is a range of helpful information about where the statuses of these 463 buildings are up to. One number that is not there is the number of buildings that have now been successfully remediated. Of the 463 high-risk buildings, how many buildings have been remediated?

The Hon. SCOTT FARLOW: It would be none or they would be taken off the list.

Mr TANSEY: You are right, Mr Graham. That is not on the dashboard because this is tracking the process of assessment together with councils. I can take that on notice.

Answer

To date 14 buildings that the Taskforce previously considered potentially high-risk have been successfully remediated.

Question 7

The Hon. COURTNEY HOUSSOS: On the dashboard that was provided to us, under remediation it said that there were 77 remediation orders I understand. Do you have a breakdown of which of those have been issued by the department of planning and which have been issued by the councils?

Mr TANSEY: I do not have it handy but we can provide it on notice.

Answer

The dashboard tabled at the hearing reflects the current status of Buildings as of 28th of October.

The latest data on the progress of Buildings on the Cladding Register is available on the Department of Customer Service website.