

## **Answers to Supplementary Questions - Oliver Burgess - hearing 11 October 2021**

### **1. Has NSW Fair Trading contacted you since the prohibition order was changed? If so, when did this contact occur? Were you contacted by phone or in writing?**

Answer: NSW Fair Trading has not initiated any contact with me. I contacted Fair Trading on 27th August 2021 to get more information. They were unable to provide any information besides the publicly available order. For further inquiries I was told to contact the vendor.

### **2. Have you contacted the Minister for Better Regulation and Innovation? If so, have you received a response from his office?**

Answer: I have not contacted the Minister for Better Regulation and Innovation. I know at least one person who did email the minister, however they received a response which was quite similar to replies received from Fair Trading.

### **3. Has NSW Fair Trading or the Office of the NSW Building Commissioner provided you with any explanation, as to why the prohibition order was changed?**

Answer: Not personally, but I have seen letters from Fair Trading. Reasons for the change include: purporting to assist buyers settle quickly, and that the purpose of the RAB Act is to:

- to stop residents occupying a building before an occupation certificate is issued.
- to improve the reputation of building quality in NSW.
- is **not** intended to alter the contract between the parties.

During the budget estimates (I believe 27 Oct 2021), the Building Commissioner and Minister explained that during a conversation with the developer they both agreed it was an "unintended consequence" to prohibit the registration of the strata plan.

### **4. How were first notified of the initial prohibition order?**

Answer: I was not notified, however I became aware of it after reading two articles on the ABC and Sydney Morning Herald websites.

### **5. When you were first notified of the initial prohibition order?**

Answer: I became aware of the order when those two articles were published, which I believe was 31 June or 1 July.

### **6. When were you first notified, that the initial prohibition order had been revoked and a new order issued?**

Answer: I was not notified of the changed order, but around 27 Aug I became aware of it.

### **7. How were you notified that the initial prohibition order had been revoked and a new order was issued?**

Answer: I became aware of it after reading reports on the Sydney Morning Herald and ABC websites which were published mid July.

Sincerely, Oliver