

November 2005

## NEW BILL TO REGULATE CERTIFIERS

The Building Professionals Bill 2005 ("the Bill") was introduced into the New South Wales Parliament on 25 May 2005.

The Bill has reached its second reading.

The Bill will establish the Building Professionals Board ("the Board") that will operate as an independent statutory body and which will take over the certification functions currently administered by four bodies.

The Board's primary functions will include:

- the accreditation of certifiers;
- the investigation of complaints against accredited certifiers;
- disciplinary action against accredited certifiers;
- the investigation of certifying authorities (ie, local councils) as far as their building application functions are concerned;
- reviews of the accreditation scheme.

The Bill follows recommendations made by the 2002 Campbell Inquiry into the quality of buildings which concluded that the building regulatory system in NSW "was complex, poorly co-ordinated, poorly understood, lacking in professional rigour".

The Inquiry recommended that the Government should increase its role in the regulation of builders and other building industry practitioners. As a result of those recommendations, the Government established the Home Building Service in 2003 to deal with complaints against licensed

builders and tradespeople who carry out residential building work.

The Bill extends the Government's building reform programme to now include certifiers – whose function is to check the regulatory compliance of building and subdivision work.

### Improvements

The major benefits provided by the Bill will include:

- improvements to the accreditation system and to the complaints investigation process for private certifiers;
- the creation of uniform standards for private certifiers;
- a simpler regulatory system with stronger safeguards.
- the publication of information regarding accreditation and discipline on every certifier to enable people to make informed choices in the selection of certifiers.

The Bill also makes amendments to the Environmental Planning and Assessment Act 1979.

The Bill is still awaiting assent. Whilst industry bodies and the opposition support the Bill in principle, there are still some details to be settled.

If you require any further information in relation to this topic, please contact David Glinatsis, Partner on 9375 2257 or email [david.glinatsis@kreissonlegal.com.au](mailto:david.glinatsis@kreissonlegal.com.au)