# Part 1 Who can do the work

## Key Objectives of the Bill p17-18

**1. Do the identified objectives support both the industry and regulator to be future focused, responsible and support all people who interact with it to achieve a fair outcome?**

**2. After reviewing the Bill do you think that it supports these intended objectives?**

## Building Work and its application in the Bill p19-20

**3. Does the definition of building work in Chapter 2 of the Bill capture most types of work performed in the building and construction industry?**

**4. What may have been unintentionally excluded or included in this definition?**

**5. Does the definition of regulated work capture the people who work in the industry?**

**6. What may have been unintentionally excluded or included in this definition?**

## Review of Building Licensing

### Expanding licensing into the commercial sector p28-38

**7. Are you aware of defects in non-residential work?**

**8. If you currently run commercial projects, what proportion of people on site hold a trade licence?**

**9. Would any of the alternatives to licensing considered and not pursued contribute to reduced conflicts and defects? Please provide data/evidence to support your response.**

**10. Are there any other costs or benefits to the proposed licensing framework that are not detailed here? Please provide data to support your response.**

**11. Will a licensing framework combined with regulatory oversight contribute to better quality, safer and more compliant buildings? Please provide rationale/evidence to support your response.**

### Proposed changes to builder licenses p38-44

**12. Do you think the proposed builder licence levels strike the right balance? Should other descriptions such as floor space or building height be considered?**

**13. Do you think that a single class of builder licence should be considered? Why or why not?**

**14. Will there be any other costs or benefits associated with this proposal?**

**15. Do you agree that builders should have their compliance record listed on the NSW licence register?**

### Corporate licence holders and nominee supervisors p 44-46

**16. Will the proposed changes to corporation and partnership licence holders improve the oversight of work? Please provide evidence or data to support your view.**

**17. Do you think any additional responsibilities are required for either the corporation/partnership or nominee supervisor?**

### Close associates p46-48

**18. Is there a better way to determine who is a close associate?**

**19. Should additional elements be incorporated into the definition of close associate?**

**20. Should broad terms of family or personal, employment, or business associates be used to determine a close associate?**

**21. Is it better to itemise the relationships to be clear in law?**

### Changes proposed for specialist trades p48-51 / Engineers p51-57

**22. Have you experienced any difficulty in accessing existing courses to complete trade skills. If so, where are you located?**

**23. Do you agree that waterproofing should be a specialist category of licence (ie. needed regardless of the size of the job)? Please provide data/evidence to support your answer.**

**24. Do you think that any existing categories of specialist work should be deregulated? Please provide data/evidence to support your answer.**

### Building Designers p57-61

**25. Do you support licensing building designers and interior designers?**

**26. What scope of work should building designers and interior designers be able to do?**

**27. How would this licensing scheme interact with the Architects Act, which restricts “architectural service” to registered architects?**

### Fire Safety p61-63

**28. Do you support combining existing licensing and registration requirements for fire safety practitioners into a single framework or should the schemes be kept separate?**

**29. What are the likely impacts on existing business practices if all practitioners involved in fire safety systems would need to be licenced?**

**30. What consideration should be given to dealing with the cross-over of fire safety systems with electrical wiring work and plumbing work? What changes to current licences would be required to ensure a practitioner is competent in fire safety work and the other specialist trade area?**

### Building Inspectors p63-65

**31. Do you agree that building inspectors should be licenced?**

**32. Which current construction industry occupations could hold a building inspector licence?**

### What work can be done without a licence p65-67

**33. Should any regulated work be carried out without a licence? Why or why not?**

**34. Do you consider a monetary threshold an appropriate way to exempt occupations from licensing requirements? Should the value vary by occupation?**

**35. Should some professional work such as project managers and estimators be exempt from holding a licence?**

**36. What licences should be prescribed in the Regulation?**

**37. Are the current licensing levels in civil construction appropriate?**

### Why are we keeping other building professionals separate p67

**38. Do you support registering and oversight of these practitioners under separate pieces of legislation, or should they be brought into a whole of industry Bill?**

**39. If they are kept separate, what measures should be introduced to ensure consistent obligations apply to all involved in building work in NSW?**

**40. If they are not kept separate, and incorporated into the Bill, what parts of the Bill should change to make this transition effective and consistent with the broader intent of the reform?**

### How are we utilising the NRF p68 / Co regulation p70-72

**41. Do you support allowing professional bodies to play a role in accrediting practitioners?**

**42. What are the risks of this model?**

**43. What other functions do you consider appropriate to give these bodies when they are operating as a co-regulator with Government?**

## Owner-Builder Permit Scheme

**44. Do you think there needs to be more regulation of the current owner-builder permits scheme?**

**45. How do we ensure that owners are able to complete works on their home without risking defects and safety to subsequent owners?**

**46. What exempt building work should be allowed to be completed without a licence?**

**47. Should dual occupancy dwellings be allowed under the scheme?**

# Part 2 What work can be regulated

## Quality and Build Standards

**1. Do the identified objectives support both the industry and regulator to be future focused, responsible and support all people who interact with it to achieve a fair outcome?**

**2. After reviewing the Bill do you think that it supports these intended objectives?**

### Standards of Work p20-21

**3. Do you agree that a licence holder should have a condition on their licence that requires them to carry out work to a required standard?**

**4. Are any changes required to other legislation to support clear expectations on the standard of work licenced people must carry out?**

### Supervision p21-28 / Compliant specialist work p28-31

**5. Do you support the expansion of a certificate of compliance to waterproofing work?**

**6. Do you support pre-notifying electrical installation work to the Regulator?**

### Pre-fabricated and manufactured housing p31-42

**7. Given the diversity in the types of buildings in the sector, how can the Bill ensure the whole of the industry is captured?**

**8. How can we introduce a robust regulatory scheme for pre-fabricated building work that will not unfairly disadvantage manufacturing and supply to NSW?**

**9. How should pre-fabricated building work be defined? How can this be differentiated from the installation of a product (such as pre-fabricated doors, windows, and trusses) under the Product Safety Act?**

**10. Do you feel that all building work should be carried out by licensed practitioners?**

**11. How could building work done off site be certified as compliant with relevant standards?**

**12. How do we ensure that any certification process is scalable to the industry, noting the differences between those engaged in manufacturing discrete parts of a building against those who produce entire buildings off site?**

**13. How do we ensure that pre-fabricated building work completed outside of NSW can be regulated?**

**14. Should manufacturers be able to self-certify pre-fabricated buildings? Why or why not?**

## Building Approvals p42-47

**15. Do you support the proposed shift of the certification system from the planning system into the Bill?**

**16. What additional regulatory burden, if any, do you consider should be taken into account by this proposed change?**

**17. What information do you think should be contained in a building manual?**

**18. Do you support the duty of care provisions under the DBP Act and EPA Act being consolidated in the Bill?**

**19. How do you feel the duty of care provisions in the DBP Act have been working since they commenced on 10 June 2020? Do you consider any changes should be made to make them more effective?**

# Part 3 Building compliant homes

**1. Do the identified objectives support both the industry and regulator to be future focused, responsible and support all people who interact with it to achieve a fair outcome?**

**2. After reviewing the Bill do you think that it supports these intended objectives?**

## Home Building work in the Bill p19

**3. Do you support excluding the listed premises from home building work?**

**4. Should any other types of buildings be excluded? If so, why?**

**5. Do you support restricting consumer protection guarantees to home building work, or should some of them be extended to other kinds of work?**

### Definition of developer p20-24

**6. Do you think the definition of a developer should be broadened to capture more of the industry?**

**7. How can we ensure that people responsible for building work meet their consumer protection obligations?**

**8. Should the threshold for developers be lowered to 3-dwelling homes? Why or why not?**

**9. What other costs or benefits should the Department consider before progressing with a definition of developer?**

### Contracting to do home building work p24-31

**10. Do you agree with the maximum progress payment provisions? If not, why not?**

**11. Do you agree with the variation requirements? If not, why not?**

**12. Do you think a standard contract should be prescribed or do the current changes provide enough support to the contracting parties?**

## What happens when something goes wrong

### Statutory warranties p31-46

**13. Do you support the changes to statutory warranty duties? If not, why not?**

**14. Do you think that fit for habitation is a more appropriate legal test compared to fit for occupation? Do you think fit for habitation should be a defined term?**

**15. Do you agree that linking statutory warranties to home building work, as opposed to having a ‘contract’, achieves a better outcome? If not, why not?**

**16. Do you agree that the person responsible is the person who enters into a contract with the owner of the land if there is no contract, the person who contracts or arranges for, facilitates or otherwise causes, whether directly or indirectly, the work to be carried out? If not, why not?**

**17. Do you agree that the new definition of ‘owner’ is fit for purpose? If not, please provide reasons and/or recommendations for change.**

**18. Do you agree that a ‘home’ within the Residential (Land Lease) Communities Act 2013 should be included within the definition of ‘owner’?**

**19. Do you support including caravans and other moveable dwellings in the definition of home for the purposes of statutory warranties?**

**20. Are the current definitions of completion fit for purpose? If not, why not?**

**21. Should completion be remodelled to relate to the latest date of certain listed scenarios?**

**22. Do you think that the definition of completion for new strata buildings should incorporate occupation certificates for a part of a building? Does the current definition reflect this?**

**23. Do you agree that completion occurs for a ‘deemed contract’ when the last person on site completed the work before a complaint for a statutory warranty (see clause 50(3) of the Bill)?**

**24. Are there any other issues with the definition of major defect? If so, please provide reasons to support your response.**

**25. Do you think that the current definition for ‘major defect’ as defined in the HB Act should be retained? Why or why not?**

**26. Do you agree that the definition of ‘serious defect’ should be used instead of ‘major defect’ for statutory warranties? Why or why not?**

**27. Do you think that providing six years cover for ‘serious’ defects and two years for ‘other’ defects is fit for purpose?**

**28. Do you think that the time frame for ‘serious’ defects should be extended to ten years and three years for ‘other’ defects?**

### Dispute procedures p46-53

**29. Do you think that Part 3, Div 2 of the *Limitation Act 1969* should extend to statutory warranties?**

**30. Do you agree with proposed ‘home building work direction’ refund power?**

**31. What other directions would be useful as a home building work direction?**

**32. What will be the cost to licence holders for the changed requirements? For customers?**

**33. Do you agree with the amounts of the five tiers used to apply to the penalties in the Bill? If not, why not?**

**34. Do you agree with the maximum penalty amounts specified in the Bill? If not, please identify the provision, amount or approach that you disagree with and why?**

## Home Building Compensation Scheme

**35. Do you have any comments or feedback about the Bill’s provisions for insurance under the home building compensation scheme?**

**36. How can the Department support the industry transition into the licensing new scheme?**

**37. Is a period of 2-5 years for transitioning into the new licensing scheme appropriate? If no, why not?**

## How do we transition industry into a new scheme

**38. How can the Department help incentivise individuals to enter the construction industry?**

**39. Do you think that savings and transitional provisions for statutory warranties should be tied to when the contract or ‘deemed contract’ was entered into? If not, why not?**

# Building Bill 2022

*Please use this section to provide feedback on the proposed Bill. Headings have been included to assist you in providing feedback on particular topics covered in the Bill.*

## Chapter 2 Licensing for Regulated Work

## Chapter 3 Home Building Work

## Chapter 4 Reviewable decisions and resolving disputes

## Chapter 5 Insurance

## Chapter 6 Certification of Building Work, subdivision work and specialist work

## Chapter 7 Miscellaneous

# Supervision practice standards for the Electrical Industry 2022

*Please use this section to provide feedback on the proposed guideline.*