# Regulatory Impact Statement

## Objective and rationale of the BCE Bill p13-20

**1. Do you support the concept of a single suite of compliance and enforcement powers for the building and construction industry? Why or why not?**

## Preliminary p22-23

**2. Do you think the definition of developer captures the characteristics of those who participate in the market?**

**3. Do you think that the definition of building work should be aligned across the Building Bill and the BCE Bill? If so, which is the preferred definition and why?**

## Completion of Notifiable building work p24-30

**4. Do you support the expansion of the ECN scheme, in-line with the expansion of DBP obligations to Class 3 and 9c buildings? If not, why not?**

**5. Do you think having the levy rates reviewed by IPART provides a safeguard that the regulator has independent advice accounting for the impact on industry? Why or why not?**

## Compliance and enforcement powers p31-36

**6. Do you support the consolidation of enforcement powers across the building enforcement legislation?**

## Remedial Actions p37 - 46

**7. Do you support the expansion of undertakings as a compliance tool? Should undertakings be available for all breaches? Why or why not?**

**8. What limitations do you see in using undertakings that the Department should consider in designing an undertaking power and using it in practice?**

**9. Do you think the compliance notices should be used for defects other than serious defects?**

**10. Do you support the proactive use of compliance notices, that is not requiring a building dispute first?**

**11. Should these direction powers be expanded to all specialist work in line with the expansion of compliance certificates in the Building Bill?**

**12. Do you agree with the increased penalty amounts? Why or why not?**

## Rectifications of Serious defects p47-53

**13. Do you support the expansion of building work rectification orders to all classes of buildings?**

**14. What do you think the trigger for issuing an order should be? Should it be limited to serious defect of a building element? Should it be expanded or narrowed?**

## Disciplinary action p54-62

**15. Do you think the demerit points scheme will act as a sufficient deterrent for industry players who repeatedly contravene legislation?**

**16. Should demerit points apply to non-licence holders?**

**17. Do you support mandatory education or training as the first-tier?**

**18. Do you support a mandatory six-month suspension as the second-tier?**

**19. Do you support a mandatory 12-month disqualification as the third-tier?**

**20. Do you support the ability to seek removal of demerit points after 12 months?**

**21. Do you support the publication of a demerit points register on the Department’s website?**

## Offences and proceedings p63-69

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

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

**24. Do you agree that penalty notices are an effective deterrent to regulatory non-compliance? If not, why not?**

**25. Do you think that directors should be liable for any offence that is able to be committed by a corporation? If no, why?**

**26. Should executive liability offences apply to any other offence in the BCE Bill? What evidence do you have to support the seriousness of the offence?**

**27. Are there other ‘reasonable steps’ that could conceivably be taken to prevent an offence from occurring (cl 157(7))?**

**28. Do you think these measures will promote better corporate compliance? If no, why?**

# Building Compliance and Enforcement 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.*

## Completion of notifiable building work

## Investigations

## Remedial Actions

## Rectification of Serious defects and resolving disputes

## Disciplinary action

## Demerit Points Scheme

## Offences and proceedings

## Miscellaneous