

6 May 2025

The Hon. Anoulack Chanthivong, MLA
Minister for Better Regulation and Fair Trading
Minister for Building
Minister for Corrections
Minister for Industry and Trade
Minister for Innovation, Science and Technology
52 Martin Place
Sydney NSW 2000

Dear Minister

Re draft Building Bill

I write to you regarding the need, in the face of the current housing supply crisis and the considerable efforts going into meeting the National Housing Accord targets, to suspend progress on the draft Building Bill until there is a greater understanding of the changes proposed and consensus emerges within industry.

Industry consultation to date has focused on broad themes rather than addressing the specifics of the draft Bill. In addition, our members were concerned that a Bill was to be introduced without having first seen or assessed all of the legislative proposals and associated regulations.

This was particularly concerning given the way the consultation process for the Design and Building Practitioner's Bill (DBPB), was previously rolled out.

It is important to note that the context within which the DBP Bill was being developed, consulted on and delivered, was a very different operating environment to the one we now have.

The reform was then in direct response to the crisis in consumer confidence in the building sector. The operation of this Act, without an available insurance product, has worked to deepen the housing supply crisis.

Given the massive task ahead in terms of delivering housing supply, with no pressing need for this reform, and given the significance of some of the changes proposed, along with the fact that so much of the operational detail is being left to the regulations; the Parliament and industry should all have the ability to scrutinize the package in its entirety in an informed manner. This requires industry having access to the full package of proposed reforms, legislative as well as some indication of the scope, intentions and aims of the associated regulations.

Urban Taskforce is advised that the planned introduction of the Bill to Parliament is the proposed for the second half of the Parliamentary year. This appears premature, given the significant gaps in the Bill and the reliance on unsighted regulations, and the need for industry to assess a comprehensive package.

It is critical to note that the indicative timeline provided by the Building Commission indicated that staggered commencement of the Bill is set to take place between Q3 2026 through to Q3 2028, which overlaps with the indicative timeframe for staged approval of the regulations.

As such any reform would not be delayed by delaying the introduction of the Bill. Providing an exposure draft Bill and consulting on the regulations and how the regulations would work with the legislation would be a good investment of Government resources in seeking any buy in from industry.

In order to fully engage industry it is recommended that the following steps be taken:

- Feedback from the current round of industry consultation should be consolidated and considered by Government with industry advised if and where changes have been made to the draft Bill.
- An exposure draft of the Bill should be released for at least 6 weeks of consultation after the targeted industry consultation concludes.
- Regulations should be drafted, subjected to industry consultation and the full package (Bill plus regulations) and submitted to the Parliament for consideration concurrently.

We are committed to working with the Government to ensure these reforms benefit all stakeholders, and we urge you to consider the points raised in this letter to ensure the Bill is considered and reflects the views of industry.

I look forward to your urgent response and would be pleased to meet with you should you require further information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tom Forrest', written over a horizontal line.

Tom Forrest
Chief Executive Officer