

16 October 2019

Design and Building Practitioners Bill 2019 consultation
Better Regulation Division, Regulatory Policy
McKell Building
2-24 Rawson Place
SYDNEY NSW 2001

By Email: bcr@customerservice.nsw.gov.au

Dear Sir / Madam

Re: NECA'S SUBMISSIONS ON THE DRAFT *Design and Building Practitioner's Bill 2019*

NECA thanks the NSW Government for the opportunity to provide input and comments to the draft *Design and Building Practitioner's Bill 2019 (Draft Bill)*.

ABOUT NECA

The National Electrical and Communications Association (**NECA**) is the peak industry body for Australia's electrical and communications contracting industry, which employs more than 150,000 workers and delivers an annual turnover in excess of \$24 billion.

NECA represents the electrical and communications contracting industry across all states and territories. We represent close to 5,300 electrical contracting businesses across Australia.

NECA aims to help its members and the wider industry to operate and manage their businesses more effectively and efficiently whilst representing their interests to Federal and State Governments, regulators and principle industry bodies such as the Canberra Business Chamber, Australian Chamber of Commerce and Industry (**ACCI**) and Standards Australia.

Additionally, NECA maintains responsibility for the employment, training and skilling of more than 4,500 current and future electricians and contractors through our Group Training and Registered Training Organisations.

CONSULTATION WITH MEMBERS

NECA, in the limited time available, has requested input from its members and has conducted a workshop to discuss the Draft Bill.

We note however that in preparation of the Building Confidence Report Professor Shergold and Ms Weir was asked to consult with the Commonwealth, state and territory governments, the ABCC and key industry stakeholders. We further note that of the 55 meetings held with key industry bodies and other stakeholders as set out in Attachment C to the Building Confidence Report, no meetings were held with anyone from the Electro and Technology Industry which NECA represents. Further we are not aware of any written submissions being requested from either NECA or any other party representing the Electro and Technology Industry. We are not sure whether this was an oversight or whether it was felt that the Terms of Reference did not apply to the Electro and Technology Industry.

NECA's feedback on the Draft Bill is as follows:

1. Reforms to be commenced with a Transitional Period

The legislation as set out in the Draft Bill, if implemented without a Transitional Period will result in the Building Industry to which this legislation relates (or is intended to relate to), grinding to a halt with a damaging effect to NSW building industry.

The Registration of Practitioners as set out in Part 4 of the Draft Bill will take time to implement. Should sufficient practitioners not be registered by the time the legislation comes into force, building works in this sector will come to a halt.

2. Applicability to the Electrical Industry

The Draft Bill does not set out in much detail on how the scheme is to be implemented and as to who it will apply. This is left open ended for the Regulations to define.

The Building Confidence Report recommends that the legislation should require the registration of the following categories of building practitioners involved in the design, construction and maintenance of buildings:

- Builder
- Site or Project Manager
- Building Surveyor
- Building Inspector
- Architect
- Engineer
- Designer/Draftsperson
- Plumber
- Fire Safety Practitioner

The report was commissioned by the Government as a result of the concerns of combustible cladding and building defects identified in the new Opal Tower Development. These issues, save for the electrical side of Fire Safety Systems, do not apply to electricians.

The Electrical Contracting Industry is already regulated and governed by NSW legislation such as the Department of Fair Trading in respect of Licencing, the Gas and Electricity (Consumer Safety) Act, the Home Building Act etc.

In addition the Electrical Contracting Industry is already required to primarily comply with AS/NZS 3000 along numerous other AS & AS/NZS Standards & the Building Code of Australia.

AS/NZS 3000 – Clause 1.2 “Application” clearly sets out that the document applies through State Legislation.

Electrical Contractors are already bound to provide a CCEW (Certificate of Compliance Electrical Work) ***Electricians must submit a Certificate of Compliance for electrical work (CCEW) under the Gas and Electricity (Consumer Safety) Act 2017 and Gas and Electricity (Consumer Safety) Regulation 2018. A completed CCEW must be submitted within seven days of completing any safety and compliance test, on an electrical installation.***

NECA is of the view that there should be no need to create a “registered building practitioner” category for an already “**Licenced Electrical Contractor**” who may be installing the electrical components of a fire safety service, the pre-qualification and legal obligations to comply with Standards and Regulations already exist under current Legislation.

NECA’s members are of the opinion that Electrical Contractors are already generally obliged to comply with the requirements of this Draft Bill under current legislation (this is duplicating obligations). In the circumstances NECA proposes that Electrical Contractors should be specifically excluded from complying with the duplicated requirements of the Draft Bill.

Notwithstanding the above it must be noted that NECA is of the view that the Draft Bill will be moving the Building Industry in the right direction.

3. Design Practitioners/Registered Building Practitioner

NECA has formed the view that there needs to be clarity around the initial process and the associated costs (both initially and ongoing) of becoming a Registered Design Practitioner/ Registered Building Practitioner. This clarification should clearly set out the training, skills and experience required, which will vary widely

depending on the “type and nature” of the work or service. If this is not set out we will again end up with a system that neither the Industry nor the Government know how to implement or operate.

This is demonstrated by the complications and confusion that arose with the implementation of “Competent Fire Safety Practitioner” where accreditation for part or all associated services was not clear at the time it was implemented.

4. Record keeping

Additional information in regard to proposed record keeping obligations is required.

5. Open ended legislation

NECA’s members are concerned about that the Draft Bill is opened, for example section 6 (1) (e) refers to “other things”. Our members requested that these open ended provisions are deleted.

The general view of those members who participated at the workshop was that the legislation proposed in the Draft Bill was too broad and needed further clarification.

Yours sincerely



Oliver Judd
Executive Director – NSW Chapter
NECA