

The Real Estate Institute of New South Wales

Submission dated 16 November 2015

*Proposed Amendments to the Building Professionals
Regulation 2007*

To: Building Professionals Board
policy@bpb.nsw.gov.au

This submission has been prepared by The Real Estate Institute of New South Wales (**REINSW**) and is in response to the proposed amendments to the *Building Professionals Regulation 2007* (NSW) in relation to E1 certifiers, as set out in the Draft Amending Regulation issued by the Building Professionals Board (**BPB**) on 11 November 2015 (**Draft Regulation**).

REINSW is the largest professional association of real estate agents and other property professionals in New South Wales. REINSW seeks to promote the interests of its members and the property sector on property-related issues. In doing so, REINSW plays a substantial role in the formation of regulatory policy in New South Wales.

REINSW supports, in principle, the rationale for introducing the proposed amendments set out in the Draft Regulation. However, it is unable to comment on the qualifications, knowledge, experience and statutory requirements of E1 certifiers that are required to achieve the BPB's objectives. Therefore, REINSW cannot comment on whether the drafting proposed in the Draft Regulation is acceptable.

Despite that, REINSW agrees in principle with:

- the ability for E1 certifiers who hold the requisite building qualifications to be authorised to carry out minor and relatively simple repairs to non-compliant swimming pool barriers and to issue, on the spot, a certificate of compliance for the pool (however, REINSW is not in a position to comment on whether \$1,000 is an appropriate upper limit value and whether that amount would allow for only minor repairs, as opposed to major repairs, to be carried out);
- minimising the time taken for a pool to become compliant and, therefore, expediting the process for compliance with minimum delay;
- minimising the time a pool remains potentially unsafe;
- sparing pool owners and potentially property managers and sales agents the time and inconvenience of finding a suitable person to undertake the work and then arranging for the inspector to complete their assessment;
- minimising the barriers facing people who seek accreditation as an E1 certifier by reducing the fee for the issue or renewal of a certificate of E1 accreditation (however, REINSW is not in a position to comment on whether the reduction in fee from \$1,500 to \$750 is an appropriate reduction to, in fact, minimise such barriers);
- making all changes required to ensure that the changes to the *Swimming Pools Act 1992* (NSW) are implemented as quickly and as smoothly as possible.

However, REINSW considers it premature to legislate the proposed amendments set out in the Draft Regulation *before* the Minister makes his decision on Mr Michael Lambert's recommendations following his independent review on swimming pool barriers. REINSW believes it is better for BPB to wait until the Minister makes that decision so that the Draft Regulation reflects the necessary and appropriate amendments. That would minimise the

number of legislative changes required for the Government to achieve its objectives, rather than having a piecemeal and time-consuming approach.

REINSW appreciates the opportunity to make this Submission as a key stakeholder before BPB makes any final recommendation to the Minister as to whether the Draft Regulation should be legislated. Thank you for seeking REINSW's input in relation to the Draft Regulation.

Yours faithfully



Tim McKibbin
Chief Executive Officer
The Real Estate Institute of New South Wales