

29 October 2021

The Hon Kevin Anderson MP
Minister for Better Regulation and Innovation
GPO Box 5341
SYDNEY NSW 2001

Via email: office@anderson.minister.nsw.gov.au

Dear Minister

RE: The need to restore savings provisions to Building and Development Certifiers Regulation to support regional certifiers and the communities they serve

I write regarding the need to restore savings provisions to the Building and Development Certifiers Regulation to support regionally based registered certifiers and the communities they serve.

The savings provisions under Part 6 clause 11 of Schedule 4 of the now repealed Building Professionals Regulation 2007 authorised registered certifiers accredited as *Building surveyor—restricted (class 1 and 10 buildings)* (formerly A3) accredited before 18 February 2011 to carry out certification work in relation to class 2-9 buildings with a maximum rise in storeys of 2 and a maximum floor area of 500m².

The provision was introduced in recognition of the training undertaken and experience held by registered certifiers accredited before the amending regulation. Many of these certifiers had authority to carry out certification work at an A1 level in local government.

The ability of these certifiers to effectively carry out this work has not diminished over time, and it was particularly important for certifiers in regional areas and their clients, where there is often a shortage of registered certifiers to carry out this work.

Unfortunately, this provision was not carried over under the *Building and Development Certifiers Act 2018* and since 1 July 2020 there has been no such provision in place.

This is now having a significant impact on our members in regional communities who are unable to carry out this work and their clients who need this work done.

In addition, there is significant confusion created by this change, which does not appear to have been specifically communicated to the affected registered certifiers, of which there are around 400 across the state.

Therefore, it would be of great assistance if the following questions could be addressed:

- What was the policy rationale for removing this provision from the Regulation?
- For projects which have straddled 1 July 2020, are registered certifiers who were authorised prior to that date able to continue working on those projects?
- Does Section 30 of the *Interpretation Act 1987* mean the repealed provisions continue to apply and if not, why not?
- Will the Government consider restoring this provision in the interests of supporting regionally based registered certifiers and the communities they represent?

Our members would greatly appreciate your consideration of this important matter. If you would like further information, please do not hesitate to contact me on 0431 082 259.

Yours sincerely



Jill Brookfield
Chief Executive Officer