

**BUILDING SERVICES (COMPLAINT RESOLUTION AND ADMINISTRATION) BILL 2010**

*Receipt and First Reading*

Bill received from the Assembly; and, on motion by **Hon Simon O'Brien (Minister for Commerce)**, read a first time.

*Second Reading*

**HON SIMON O'BRIEN (South Metropolitan — Minister for Commerce)** [10.24 pm]: I move —

That the bill be now read a second time.

The Building Services (Complaint Resolution and Administration) Bill 2010 brings significant reform to the Western Australian building complaint and compliance process. The bill creates a statutory officer, to be known as the Building Commissioner, with primary responsibility for implementing and administering the suite of reforms to the building process and the regulation of the building industry in the state. The Building Commissioner will serve as executive director of the Building Commission and will be responsible for a wide range of functions, including, amongst others, setting and monitoring building standards; dealing with complaints and enforcement; and administering the registration of practitioners.

The bill provides for a two-stage dispute resolution service, with complaints being received and dealt with at the front end by the Building Commissioner and intractable disputes being determined by the State Administrative Tribunal. For the first time, a formal process of conciliation will be put in place to bring together both parties to a building dispute in an attempt to reach an agreement before the dispute becomes entrenched and the courts become involved. This will ensure a more cost-effective and consumer-friendly process that saves time, money and resources for both the parties involved and the court system.

When a building dispute is unable to be resolved by the Building Commissioner, the bill provides for the matter to be heard and determined by SAT. By allowing SAT to hear complaints, SAT will be able to determine building disputes impartially and in a more professional, timely and consistent fashion.

A key reform addressed by this bill relates to the inclusion of standard powers of inspection and investigation to examine issues concerned with the standard of work and the conduct of building service providers. Currently, the powers are antiquated and weak. There are no powers, for example, to compel the provision of information or to obtain a warrant to gather basic evidence. The result is that when a complaint or information regarding a potentially serious breach of the law by a builder is received, investigators effectively must ask for the builder's cooperation in the investigation.

To correct these deficiencies, the bill provides inspection and investigation powers relevant to a wide range of building-related occupations that are consistent with the powers contained in other modern occupational licensing statutes. Power to conduct audits of building work is also provided to enable the Building Commission to monitor building standards and as a means to inform building industry policy. Investigators and inspectors must be duly authorised by the Building Commissioner, and standard entry by warrant processes and powers will apply. Inspectors will also be empowered to order works to cease during the course of an inspection in the event that a dangerous situation is identified.

The bill establishes a building services account under the Financial Management Act 2006. The account will primarily be credited with funds raised from a building services levy that will be payable for building permits and building approval certificates. The building services account can also receive registration fees, costs and other relevant moneys.

In summary, this bill will significantly improve the way building disputes are handled in this state, and provide modern inspection and investigation powers to protect the public. I commend the bill to the house.

Debate adjourned, pursuant to standing orders.