

19 March 2020

Hon. John Quigley MLA
Attorney General; Minister for Commerce
5th Floor, Dumas House
2 Havelock Street
WEST PERTH WA 6005

Dear John

REQUEST TO POSTPONE/DEFER POLICY REVIEWS & IMPLEMENTATION OF NCC (BCA) 2019: COVID-19 EMERGENCY MANAGEMENT & IMPLICATIONS

Master Builders WA commends the West Australian Government for its management of the COVID-19 pandemic and the ramifications for our state both in terms of the well-being of all West Australians and our economy.

Without question, the health measures required to ensure the well-being of the West Australian public will have a detrimental economic impact which is likely to be long-lasting.

Most of our industry is made up of small and medium businesses, the engine room of the state economy. Businesses are already reeling from previous economic conditions and collectively we are bracing for the biggest disruptive period in likely well over half a century. As many have stated, this is an unprecedented situation.

We have been navigating a difficult period preceding this emergency, which has the potential to inflict irreparable damage across the community and bring many in the industry closer to the edge of financial ruin.

Master Builders is entering correspondence with the Premier on stimulus measures for industry, but I take this opportunity to request consideration on several matters directly under your portfolio.

- 1) Deferral sought on NCC (BCA) 2019 Volumes One and Two, scheduled to come into effect 1 May 2020 in WA.

The reasons behind this relates to impacts to statutory timeframes and adjustment to new mandatory requirements. We are already receiving reports DFES cannot, or are very unlikely to, meet timeframes for assessment/advice on commercial projects as one example; due to emergency responses, public health directives and impacts to business functioning.

In addition, training and education are paramount regarding adaptation to new mandatory legislative requirements. Many training and education seminars have been cancelled, and outside of virtual/online platforms, workshops and events will not be undertaken any time soon.

- 2) An extension/deferral on the current building reforms for a period. Industry (and others) will not have the time to give the reform proposals due consideration for comprehensive responses under the current circumstances.

This includes the following CRIS documents:

- Reforms to the building approvals process for commercial buildings in Western Australia (public consultation closing 3 April 2020). It is recommended the current consultation period be extended for a suitable time period to allow industry stakeholders to make their formal submissions;
- Registration of Builders (and related occupations) Reforms (not yet released for public consultation). It is recommended this public consultation period be deferred until later in the year

Our environment is changing daily with global responses in addition to our own State and Territorial responses. As with all businesses, the challenges faced by our members are considerable in seeking to maintain business continuity and adapt to changing circumstances.

The recommendations put before you are principally to allow all parties, Government (State and Local) and Industry to continue responses to the pandemic, concentrating on Commonwealth and State Health directives/advice, emergency responses; and business continuity in a consistently changing environment.

I will take this opportunity to also commend the Department of Mines, Industry Regulation and Safety, particularly Building and Energy for their engagement with Master Builders throughout the current environment.

I trust our recommendations are seen as in the best interests not only of our members and industry, but that of the community at large.

I look forward to hearing from you.

Yours sincerely,



Jason Robertson
Housing Director, Master Builders WA

9 April 2020

Hon John Quigley MLA
Minister for Commerce
5th Floor
Dumas House
2 Havelock Street
WEST PERTH WA 6005
Via email: Minister.Quigley@dpc.wa.gov.au

Dear Minister Quigley,

I write in relation to the Property Council's advocacy to temporarily pause the 1 May commencement date of the National Construction Code (NCC) measures. I have attached our recommended action statement for your reference.

We understand that this position has been view favourably and we extend our deepest gratitude. Your Principal Policy Advisors have informed us of the process required to effect this decision is for DMIRS to write up the drafting notes for Parliamentary Counsel for review by Cabinet. Authority would then need to be provided by the Premier and Governor.

At this point industry is keenly awaiting news on the status of the NCC ahead of the looming May 1 deadline. Property developers face paying tens-or-hundreds of thousands in building permit fees upon lodging of plans. In the current crisis they have a desire to protect cash in their business to retain jobs, and a delay of several months would great assist their business survival.

On behalf of Members of the Property Council, I ask that you make your decision know as soon as practically possible.

Your sincerely,



Sandra Brewer
WA EXECUTIVE DIRECTOR



COVID-19 GOVERNMENT RESPONSE

RECOMMENDATION BY THE PROPERTY COUNCIL

RECOMMENDED ACTION
Temporarily pause the 1 May commencement date of the National Construction Code (NCC) measures.
RELEVANT DEPARTMENT AND MINISTER
Department of Mines, Industry Regulation and Safety (DMIRS) David.Smith@dmirs.wa.gov.au Minister John Quigley MLA Minister.Quigley@dpc.wa.gov.au
DEGREE OF URGENCY
<input type="checkbox"/> Extreme <input checked="" type="checkbox"/> Very High <input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low
BENEFITS
<ol style="list-style-type: none"> 1) Reduces the likely risk of proposed significant projects with positive economic outcomes not proceeding; 2) Provides developers with more time to complete building applications according to current standards; 3) Significantly reduces costs incurred by developers; 4) Provides local government authorities with more time and flexibility to assess applications in the current environment; 5) Saves jobs that will be lost should these projects not go ahead.
ACTION REQUIRED
The Minister for Commerce issues a written determination that the NCC be delayed by at least one month and that DMIRS urgently communicates this with industry.
CONTEXT AND RATIONALE
<p>The National Construction Code was adopted Nationally on May 1, 2019, except for Western Australia which had a 12 months transitional provision. Until 30 April 2020 a building permit applicant may choose to comply with either the 2019 edition of the Building Code of Australia (NCC 2019 Volume One and Volume Two) or the 2016 edition (NCC 2016 Amendment 1 to Volume One and Volume Two).</p> <p>Developers, builders, consultants and local government approval authorities have all been working very hard to get building permit approvals for projects prior to the May 1, 2020 deadline. At the critical last stage – just weeks before the May 1 deadline, the COVID-19 crisis is causing workplace disruption and the diversion of key human resources into crisis management roles and functions.</p> <p>We understand some local governments do not have the technology to be able to transition to work from home and achieve the intensity of output that is required at this critical time.</p> <p>Responses from DFES at this critical time are also delayed, this response constitutes part of the application.</p> <p>This presents great risk to developers who are faced with complete redocumentation of projects costing millions of dollars in fees.</p>

