



Australian Institute of Building Surveyors

22 April 2008

The Hon Morris Iemma MP  
Premier of NSW  
Level 40 GMT  
1 Farrer Place  
SYDNEY NSW 2000

Dear Premier

### **Proposed restraint of trade under the Building Professionals Amendment Bill 2008**

The recent Prime Minister's Summit and the Council of Australian Governments (COAG) recognise the need to remove state legislation restrictions on trade across state borders.

The proposed NSW State Government's Building Professionals Amendment Bill has taken an initial step to achieve, after many years of failure, to partially follow the National Accreditation Framework (NAF) and the Australian Building Code Board's recognition of the national competencies levels for Building Surveyors, and is to be congratulated.

Unfortunately, the restrictions that are proposed do not follow NAF levels and experience criteria for the Building Surveying profession and restricts Building Surveyors to local government employment only. This proposal is totally unacceptable and falls far short of the principles sought at the Prime Minister's Summit and COAG, and represents restrictions upon Building Surveyors to trade and carry out their profession in the private and local government sectors in NSW and across state borders.

A double jeopardy to those Building Surveyors employed in local government that is not experienced by other professionals across Australia are the restrictions applying to Grade 3 in restricting employment in local government only. For Grade 2 and 1 it goes even further and prevents professionals at these levels from being employed in any other council other than the one in which they are currently employed.

I think they had similar rules when the convicts were farmed out to the early land holders 200 years ago. Will the next step to establishing the much sought after "even playing field" be to restrict Building Surveyors to a single employer in the private sector?

The NAF standard should be accepted by the NSW Government for private and local government employment and could start with the initial accreditation of those in local government as they are introduced to accreditation. A large number of Building Surveyors in local government are already nationally accredited and others would satisfy national accreditation on application.

The current proposals, if put in place, will no doubt fall apart when challenged by Building Surveyors accredited under NAF rules in other states and who apply under the Mutual Recognition Provisions which requires NSW to grant accreditation and permitted them to work in either local government or the private sectors.

The Office of Fair Trading has recently moved to eliminate restrictions on the trades to move between the states. The proposals under the BPB amendments take us back in the opposite direction. One must question whether we are all governed by the same government?

The State Executive Committee of the Australian Institute of Building Surveyors (AIBS) is formally presenting its submission to the Minister for Planning on all our concerns with the Bill, but asks that you intervene to remove the proposals to restrict the Building Surveying profession to trade and carry out their profession within New South Wales and across the state's borders.

Yours sincerely



Bill Burns  
**Executive Officer**  
**NSW Chapter**

Encl: NAF criteria

Cc: Prime Minister of Australia  
Minister, NSW Office of Fair Trading  
Director General, NSW Department of Local Government  
President, NSW Local Government & Shires Associations  
NSW Planning Minister