

Proposed Laws to Give NSW Building Commissioner Power

An owners corporations duty to maintain and repair defective common property in NSW is likely to undergo a major change if the proposed *Building Compliance and Enforcement Bill 2022, NSW* is passed by the NSW Parliament and becomes law.

The major changes are designed to give the NSW Building Commissioner Mr David Chandler draconian powers to force owners corporations to fix common property defects.

What are the New Powers Under the Bill?

The new powers under the Bill includes:

- A right to enter a strata scheme to inspect and investigate defects
- Organise and undertake destructive testing
- Forcing people associated with strata schemes to answer questions in writing
- Issue compliance notices
- Accept compliance undertakings
- Issue search warrants
- Applying to the Land and Environment court for restraining or remedial orders

The proposed changes will allow fines to be issued to owners corporations who are in breach of the Commissioner's orders to a maximum of \$22,000 and \$2,000 per day for any continuing breach.

Consultation on the proposed bill ends on 25 November 2022 and

if the bill is passed it will give the Building Commissioner more muscle against those owners corporations who fail to recognise that the duty to maintain and repair defective common property is an immediate duty that cannot be delayed or suspended.

Contact Us

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