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## Mutual Recognition Statement – Call to Action

### Summary

Mutual Recognition was meant to let builders work across borders without being strangled by red tape.

Instead every State has its own rules and most of them are outdated prescriptive and run by people who would not know a spirit level from a set square.

My case proves the point. After 40 years of clean building my WA licence was cancelled mid hearing under a prescriptive rule they made up on the spot even though the work was compliant.

That sort of stitch up could not happen in other States or New Zealand yet it stops me applying under Mutual Recognition.

### Historical Context

In 1939 WA brought in the seven years experience rule. Why seven Because the school leaving age was 14 and the minimum builder age was 21. Twenty one minus 14 equals seven. Nothing more clever than that.

By the 1960s apprenticeships were down to five years and today they are three or four years because training tools and methods have moved on. Back then a kid planed every stick of timber by hand. Today a cordless does the job before smoko. Hanging onto 1939 maths in 2025 is a joke.

### Pilbara Analogy – Who is Doing the Vetting

The same thing happens in licensing. If you let clerks who have never worn boots on a slab do the vetting you get the wrong candidates.

### Prescriptive versus Performance

Prescriptive licensing is box ticking. A Bunnings storeman got his licence because two mates signed his Form 5.

Performance licensing is about proof. Subcontractors with years of tax records and site history miss out because their supervisor left the company or the files were binned after five years.

And me Forty years registered and the Commission cooked up a new prescriptive rule mid hearing to wipe me out. No complaint no defect no inspection. Just bureaucrats playing judge jury and rule maker all at once.

### Redundant Licences

Every State still registers painters. That might have made sense in the days of lead paint and turps. But with acrylics you clean up with water and any homeowner can roll out half a house in a weekend well over the supposed thresholds and no one bats an eyelid.

Queensland is even worse. The QBCC has licences for painting waterproofing fencing landscaping flooring shopfitting you name it. All jobs the average punter can do legally at home without a licence. It is revenue raising not safety.

### Retail Paradox

Electrical and plumbing are licensed trades everywhere. But walk into Bunnings in Canberra or Perth and you can buy power points switches taps and mixers straight off the shelf. No one asks for a licence at the checkout.

If the work is that dangerous why sell the gear retail Either it is safe enough for a punter to buy or it is so dangerous supply should be restricted. Right now it is neither. It is just the Government taking a clip from both ends.

### Housing Affordability and Government Overhead

We keep hearing about the housing crisis but no one wants to say the obvious. Government itself is at least forty percent of the cost of a new home. That is not a rogue estimate. It is land tax stamp duty GST fees levies compliance insurances red tape and bond money all stacked on top. Government runs at about thirty percent of the country's overhead while in Singapore it is about half that and they have managed to hit nearly ninety percent home ownership. Over there they build homes. Over here we build paperwork.

In the 1980s builders worked on tighter margins but delivered affordable homes. Today margins are higher not because builders are greedy but because downtime and compliance overhead force it. Every time a licence application stalls or a building permit gets bounced over trivia it costs time and money. That overhead rolls straight through to the young family trying to buy their first house.

### Freeing Up Working Capital

One fix is immediate. Scrap all prepayments for registration and building permits. Issue quarterly statements to builders showing all moneys held as bonds for damaged kerbs and footpaths. In my own experience tens of thousands sat in council accounts for years never refunded never reconciled. Across the country that is millions in working capital trapped in local government vaults instead of funding the next slab. Builders are paying interest on borrowed money while councils sit on dead cash. That is not consumer protection it is theft dressed up as procedure.

### Building Codes – Do not Weaken Them Enforce Them

The Productivity Commission survey floated the idea of relaxing the NCC to make housing cheaper. That is nonsense. Codes exist to protect lives and ensure quality. It does not cost more to do the job right the first time. It costs more when corners get cut and disputes end up in court. The NCC is fine. What is not fine is regulators weaponising prescriptive interpretations or tribunals inventing new rules mid hearing. That does not uphold standards. It undermines them.

### Formula for Reform

Diploma of Building and Construction plus five years verifiable experience.  
Two tier licensing Domestic Builder and Domestic plus Commercial Builder.  
Evidence over endorsements statutory declarations backed by ATO or tax records if referees are not around.  
Scrap useless licences. Keep only electricians and plumbers and gasfitters where life safety is at risk.  
Get industry professionals not office clerks making the calls.  
No more rule making mid hearing. Parliament sets the rules regulators apply them tribunals judge.

### Learn From the NT and Our Neighbours

The Northern Territory shows how to dodge the Building Commission theatre and get on with it. If your matter fits you can file an initiating application straight to the Northern Territory Civil and Administrative Tribunal for civil claims and for reviews where an Act gives jurisdiction. The NT guidance sends building parties to the practical pathways that actually resolve disputes including NTCAT where applicable not endless process. That is how you keep everyone honest. A tribunal you can reach without running a gauntlet.

New Zealand did not waste decades bogged down in prescriptive rules the way WA has. In 1991 they passed the Building Act and by 1992 they had the world's first nationwide performance based Building Code. Instead of dictating every method and material it set outcome based performance levels for structure fire safety durability energy efficiency and so on. Builders and designers could innovate use new products and adopt smarter methods as long as they hit the performance benchmarks.

That model has been running for more than thirty years. It is updated regularly by their national building regulator in consultation with industry so the Code moves with the times rather than falling decades behind. In simple terms it gives clear targets without chaining builders to the past.

Meanwhile in WA we are still clinging to prescriptive requirements set when kids left school at 14 and apprenticeships ran seven years. Today with better training modern tools and digital design that rigidity is not just outdated. It is destructive. It drives up costs blocks innovation and makes housing less affordable.

Singapore is even blunter. Home ownership is above 80 per cent and in fact around 90 per cent because the system is built to deliver outcomes not paperwork trophies. They import water reclaim it as NEWater desalinate and harvest every drop through their Four National Taps. If a tiny island with no natural water can engineer its way out of a corner WA can certainly sort a licensing mess in a State that floats the national accounts with iron ore and LNG.

If the NT can give people a clean run to a tribunal and New Zealand and Singapore can run performance based systems that actually deliver housing then WA with more natural advantages than most countries has no excuse. Fix the rules. Make them performance based. Make them consistent. And make Mutual Recognition mean what it says.

Mutual Recognition is broken. As long as prescriptive red tape beats common sense it is a joke.

What happened to me in WA could not happen anywhere else in Australia or New Zealand yet it blocks me under Mutual Recognition. Builders should be judged on what they build not on some paper pusher's imagination on the day.

Time to fix is now!

Kind regards,



## Footnotes

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