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17MSB/323

Ms Kara Vague
Chair
Society of Construction Law Australia
Ground Floor, 180 Phillip Street
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Email: secretary@scl.org.au

Dear Ms Vague *Kara*

I am pleased to advise that the *Fair Trading (Building and Construction Industry Dispute Resolution Code) Regulations 2017* (the Code) has been published in the South Australian Government Gazette and came into operation on 5 December 2017. A copy of the Code is enclosed for your information.

Pursuant to the *Small Business Commissioner Act 2011*, the South Australian Government has given the Small Business Commissioner (the Commissioner) the task of developing prescribed industry codes of conduct under the *Fair Trading Act 1987*.

The Code for dispute resolution in the building and construction industry is the fifth Industry Code prepared by the Commissioner. These Industry Codes are closely aligned with the State Government's intention of creating a fairer and more competitive small business sector. The Code will provide the Commissioner with greater options to quickly enquire into and resolve disputes, including the ability to compel parties to undertake alternative dispute resolution.

I would also like to provide you with an update regarding the *Security of Payment (Review) Amendment Bill 2017* (the Bill) to amend the *Building and Construction Industry Security of Payment Act 2009* (the Act). The Bill was passed in the House of Assembly on 31 October 2017, but not considered by the Legislative Council prior to Parliament concluding on 30 November 2017. It would be the intention of the State Government to reintroduce the Bill if it is re-elected.

The Commissioner is available to assist the building and construction industry and key stakeholders to raise awareness about the Act and provide information to help contractors and suppliers claim money that is owing to them. Some funding will be available to Industry Associations to assist with the promotion of the Act and the Office of the Small Business Commissioner will contact relevant organisations early in 2018 to provide further information.

Yours sincerely,

Hon Martin Hamilton-Smith MP
Minister for Small Business

14 / 12 / 2017

