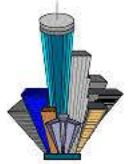


**Submission
No 64**

**INQUIRY INTO REGULATION OF BUILDING
STANDARDS, BUILDING QUALITY AND BUILDING
DISPUTES**

Organisation: Terry West Building Approvals and Consultants Pty Ltd

Date Received: 26 July 2019



Terry West Building Approvals & Consultants Pty Ltd

A.C.N. 084953186

48 / 9 Hoyle Avenue, Castle Hill 2154
P.O. Box 255, Winston Hills 2153
Website - www.twba.com.au

Phone - 9659 0593
Fax - 9659 0585
Email - info@twba.com.au

A.B.N. 36084953186

Dear Public Accountability Committee,

24th July 2019

RE: Submission to the Inquiry into the regulation of building standards, building quality and building disputes

Thank you for the opportunity to make a submission to this Inquiry.

Background

Our business is a Private Certification firm and has been operating since 1998. We employ 2 A1 Certifiers, 1 A3 Certifier and 1 A4 Certifier and certify all different classes and types of buildings across metropolitan Sydney.

Issues

Some of the key issues that need to be addressed in the NSW building industry include:

- Access to Professional Indemnity (PI) Insurance – including availability and costs.
- Addressing the historic liability issues confronting Accredited Certifiers.
- Addressing the skewed nature of liability facing Accredited Certifiers.
- The need for all parties involved in the building product supply chain to be accountable for the products that they prescribe, specify, purchase and use in the construction of a building.
- Allocate responsibility and liability to individuals throughout the design and construction chain, supported by an insurance framework which can be relied on in perpetuity.

- Define “not inconsistent with the development Consent” when dealing with departures from the approved Development Consent as per Clause 145(1)(a) of the Environmental Planning & Assessment Regulation.
- Provision for a mechanism for dealing with “missed critical stage inspections”. At the moment, if the inspection is not “unavoidably missed” an Occupation Certificate (OC) cannot be issued. This is not practical.
- Provision for a mechanism for approving retrospective Performance Solutions in buildings. At the moment, if a situation arises where a Deemed-to-satisfy solution can’t be found, and the work has already been carried out, the Building Professionals Board (BPB) have stated that a retrospective Performance Solution cannot be issued. This means that an OC can never be issued on that building as the work cannot comply with the National Construction Code. This is not practical.

Solutions

Potential solutions that could be introduced in NSW include:

- All professionals involved in the design, installation and approvals process must be accredited and insured.
- All key personnel in the process who are not accredited must be licensed and be required to prove their competency at regular intervals.
- All documents related to the certification of a building should be in a standard form developed by industry and Government.
- All persons involved in the certification of any engineering design or technical aspect of construction must issue a certificate on a standard form.
- Comprehensive auditing of all accredited or licensed persons.
- All parties involved in the building product supply chain need to be accountable for the products they prescribe, specify, purchase and use.
- Amend the BASIX scheme to allow applicants to design buildings based on predetermined standards.
- Strengthen the administration of building regulation in NSW by bringing building regulations and control functions into one portfolio, reporting to one Minister.
- Following on from the above point, there needs to be a much wider and more regular auditing system introduced of Private Certifiers in particular. Like every industry, there are good ones and

bad ones. A regular auditing system will identify the bad ones and make it easier for us good ones to do the right thing without the usual line from Developers "I have had other Certifiers pass that".

- Quite simply, the rules and regulations that govern the industry need to be easier to follow. At the moment we have the EP & A Act and Regs., The BPB Act and Regs., countless SEPPs, Acts & Regs. within other Act & Regs. etc. It is far too complicated and needs to be combined to make it easier to follow and comply with.

Yours sincerely,

Timothy West

BPB0784