

Submission  
No 78

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

**Organisation:** Fire Protection Association Australia

**Date Received:** 28 July 2019

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Life. Property. Environment.

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Sunday, 28 July, 2019

Mr David Shoebridge, MLC,  
Chair  
Public Accountability Committee  
Legislative Council  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

Dear Mr Shoebridge,

### **Regulation of building standards, building quality and building disputes**

Thank you for the opportunity to respond to the inquiry into building standards, building quality, and building disputes.

#### **About us**

Fire Protection Association Australia (FPA Australia) is a not-for-profit organisation that advocates for improvements to fire prevention and life safety.

As the national peak body for the industry, we provide information, services, and training to fire services professionals and the communities that they protect.

We are supported in this mission by some of Australia's leading fire protection companies and organisations, representing an industry of around 30,000 people.

FPA Australia has also developed and administers the Fire Protection Accreditation Scheme (FPAS), which is being recognised by the NSW Government as evidence of competence for the purposes of identifying competent fire safety practitioners under the *Environmental Planning and Assessment Regulation 2000*.

Accordingly, we have an interest in some of the topics covered by this inquiry as they relate to fire protection and the accreditation of practitioners in the construction industry.

#### **FPA Australia's response to the Terms of Reference**

##### ***Private Certification (part (a))***

FPA Australia supports the retention of private certification in the construction industry.

Private certification provides flexibility for applicants by removing bureaucratic barriers to construction and creating greater competition between certifiers.

Notwithstanding some well-publicised concerns, we do not believe that the system is broken.

As the Lambert and Shergold-Weir reports have shown, many of the concerns raised about construction apply not just to certifiers, but also to many other practitioners.

These reviews found that the entire construction industry needed to lift its performance and that various practitioners should be registered and/or accredited to achieve this (see, for example, Recommendation 1 of the Shergold-Weir report).

In other words, reforms may still be needed, but to many parts of the industry, not just to certification.

Registration and/or accreditation would give all stakeholders – government, industry and community – confidence that practitioners working in the construction industry are competent in, and accountable for, the work they do.

This is particularly important because building certifiers *rely* upon the expertise and competence of these practitioners for the design, construction, and certification of buildings.

FPA Australia continues to support the findings of the Lambert and Shergold-Weir Reports and recommends that industry-wide reforms to be implemented to prevent ongoing problems in residential construction.

#### *An example of accreditation*

The Fire Protection Accreditation Scheme (FPAS) was created to address the need for competent practitioners in fire safety.

From 2020 the NSW Government has advised that it will recognise FPAS accreditation as evidence that someone is a competent fire safety practitioner (CFSP) for fire systems design and fire safety assessment under the *Environmental Planning and Assessment Regulation 2000*.

Accreditation will remove the uncertainty currently in the system, wherein owners or certifiers have to determine whether their practitioners are competent, but are given little guidance about what constitutes competence.

Once formal recognition of FPAS occurs, CFSPs will have to be FPAS accredited in order to carry out fire systems design and fire safety assessment.

This will help to improve professionalism within the industry and simplify the selection of CFSPs by removing the need for guesswork or investigation by owners, managers, and certifiers.

This scheme serves as a model for the recognition of competence in a co-regulatory system by the NSW Government, requiring applicants to:

- have relevant experience in the fire protection industry;
- provide evidence of that experience in the class and category for which accreditation is sought;
- undergo an assessment to verify their skills and knowledge;
- sign a Code of Professional Conduct to demonstrate a commitment to ethical behaviour;
- carry appropriate levels of insurance; and
- commit to ongoing Continuing Professional Development (CPD) to ensure that they maintain their skills and knowledge.

We believe that even better compliance may be achieved with the reintroduction of a CFSP to certify the installation of fire safety systems, an element of the 2017 reforms that was withdrawn at the last minute – this would help to reduce risk and increase certainty for building certifiers.

#### **Reform reports (part (e))**

As noted earlier, FPA Australia supports the ongoing implementation of the Lambert and Shergold-Weir reports.

These reports made many useful recommendations that would improve construction in NSW.

The NSW Government has already made significant strides in implementing these reports, and we encourage it to continue looking for opportunities for further improvement, particularly in the recognition/accreditation space.

We appreciate the opportunity to make a submission and anticipate that the outcomes of this Legislative Council inquiry will contribute to the ongoing reform and improvement of construction in NSW.

We would be happy to provide more information, should it be required.

Yours sincerely,

**Paul Waterhouse**  
**State Manager – NSW**