

Submission
No 84

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

Name: Name suppressed

Date Received: 26 July 2019

Partially
Confidential

the role of private certification in protecting building standards, including:

- (i) conflicts of interest
- (ii) effectiveness of inspections
- (iii) accountability of private certifiers
- (iv) alternatives to private certifiers,

(i) conflicts of interest

Conflicts of interest is to some degree impossible to manage, certifiers are generally engaged by builders or developers on behalf of the owner/applicant.

In the real world, owners and or applicant are not familiar with the processes and issue with potential conflicts and generally rely on their builder to recommend the certifier. No matter how law abiding a certifier may be, remember that we have a scenario where in some instance they may have to bite the hand that feeds them. Whilst gross departures from the standards are addressed, it's the problems that are less evident that are not. These are the ones that appear later on.

I believe that the only way is that just as an owner engages an architect so it should be the certifier. yes this system allows for this however I believe that the builder or developer should not be relied upon to provide recommendations.

(ii) effectiveness of inspections

Unfortunately, certifiers are not project managers, and due to the overload of certification work taken on by certifiers, certifiers are not conducting building inspection because the process becomes unmanageable. Then, because they are feed by the Builder Developer, will rely on the builders hearsay that the work has been carried out according to the standards. Furthermore, it is a fact that when inspections are attended in some cases the work may have been already carried out. Now whilst the certifier may very well have to spend their day writing up notices for the non-compliance, they will most likely request certification from the trade that has carried out the work.

Now I hear you say 'that's fine that is what is required' however, a certifier is accepting the certificate on face value because to investigate the validity of that certificate is time consuming and will most probably not be done.

I believe that each trade that is engaged to carryout site work should be registered and accredited in the same way as the certifier. A licence is just short of the mark. Therefore, a contract of engagement at each building stage if not at the beginning, should be entered into and forwarded to the certifier so that they might identify the credentials of the trade engaged and whether they are in fact accredited and have Professional Indemnity Insurance. This would weed out those who seek to abuse their responsibility/system.

Another consideration is the regularisation of minimum fees. Currently the competition is such that certifiers are undercutting each other and this leads to conflicts as they seek to limit the work required by not attending inspections.

(iii) accountability of private certifiers

Essentially the difficulties faced by certifiers in ensuring that building standards are met is the system. Whilst there are those who just don't care, and do not try to maintain an acceptable level

of building standards, the system is too convoluted and those who seek to uphold the requirements are easily caught by a system that has failed in its implementation/principle . By making the certifier solely responsible or /accountable is just as much the fault of the systems failings as the certifier to operating within it.

The certifier should not be solely responsible/accountable. A system of apportioning responsibility/liability that captures everyone involved in a project is required.

(iv) alternatives to private certifiers,

Firstly the issues are not by any means limited to private certifiers this need to be understood and accepted. I am not sure that there is an alternative to private certification but believe that there may be scope for an approval assessment body established to sign off on building approvals (large scale and dwellings) and occupation/completion certificates once a certifier completes the preliminary assessment of final inspection.

This will capture any problems before a certificate for construction or a certificate for occupation is issued (maybe this body could carry out this function), and will make the certifier become more responsible in the management of their operation where the cost of certification is increased and therefore the culture of undercutting and missing inspections or verification of certificates by individual trades can become part of their everyday.