

**Submission  
No 98**

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

**Name:** Mr Tim Stenning

**Date Received:** 27 July 2019

---

I am a building surveyor and have been since 1998. A building surveyor is a professional that checks building design plans against the building codes. Fundamentally, Building Codes are there to keep people safe in the event of fire. The building surveyor inspects buildings as they are constructed. We sample buildings. We do not and cannot inspect everything. We are on site for approximately 1% of the time it takes to build a building. I am also an accredited certifier. I currently perform this role in the private sector as the director of my own small business, for which I am very proud. I have previously performed this role within local government, similarly to a vast majority of my peers.

NSW has less than 2000 building surveyors that are accredited to perform certification work. When NSW has significant issues in relation to building defects is it reasonable to place the blame on these 2000 individuals? If you want to fix the problem will tighter regulation of these 2000 individuals be point of highest leverage to create the change you need? The regulation is tight already. From 1 January to July 2019 the NSW Building Professionals Board had imposed 23 disciplinary actions against building surveyors totalling \$185,500 in fines and 5 cancelled certificates of accreditation. These infringements represent a tiny fraction of correct certification performed by NSW building Certifiers.

Why do buildings seem to have so many defects? Who actually built these buildings with the defects?

Waterproofing failed? - installed by a waterproofer licensed by NSW Fair Trading.  
Structural Defect? Concrete work carried out by a concreter licensed by NSW Fair Trading.  
Fire detection system not working? Installed by an electrician licensed by NSW Fair Trading.  
The list goes on. I recently provided some professional advice to some home owners that has some external tiling work done on their home. \$30,000 worth of work. The waterproofing failed and a complaint to Fair Trading was lodged. It was agreed there was defective work. The builder had not taken out the compulsory Home Warranty insurance. A clear breach of the Home Building Act. NO ACTION TAKEN BY FAIR TRADING.

Another case a builder commenced work with a construction certificate in place. When pressed as to why they did not get the relevant paperwork to the certifier, the builder admitted they didn't bother doing it because they couldn't get any more home warranty certificates. They breach the Act, they breach the consumer protection law. Why? Because they know they will not be held to account by NSW Fair Trading. Building Certifiers cannot fix this problem on their own. Licensed trades need to be held to account like the certifiers are being held to account by the BPB.

Building needs to be controlled by a single ministry. That minister needs to create legislation that regulates the building industry. In NSW, Fair Trading's scope is way too broad and building regulation needs to be specialised and given the resources it deserves and requires. Resource TAFE properly. Train the trades properly.

Make the trades accountable.

Make the principal contractor accountable.

Stop to practice of phoenixing in the building industry.

That will bring quality back into the building game. At the moment, its just make a buck and run.