

**Supplementary  
Submission  
No 8a**

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

**Name:** Mr Brett Daintry

**Date Received:** 25 October 2019

---

25 October 2019

Mr David Shoebridge MLC  
Chair  
Public Accountability Committee

Dear Chair, Deputy Chair and Committee,

**Re: Inquiry into the regulation of building standards, building quality and building disputes – Supplementary Submission - Design and Building Practitioners Bill 2019**

I made relevant points in my previous submission:

1. Mandating Compliance Certificates across the industry is necessary under Part 6, Division 6.5 of the current EPA Act to bring responsibility, accountability and liability to building.
2. Performance Based Alternative Solutions need to be subject to independent government oversight.
3. Recording of Certificate must be web-based and centralised with only accredited certifiers, whether designers, engineers, building surveyors, trades or principal contractors able to issue then through a portal and each certificate being an open access public document under GPA.

I won't repeat that detail. Please go back to my original submission.

**The simple submission I make is that the *Building and Development Certifiers Act 2018* contains all the necessary provisions required to accredited and regulate building designer and building practitioners and this proposed Act is not required.**

What is proposed is a further duplication and over complication for all stakeholders, will confuse the public and not improve simplicity, responsibility, accountability and liability.

For the sake of simplicity, responsibility, accountability and liability going forward, a single Compliance Certificate regime is required irrespective of whether private certification continues.

For any certificate relating to a building, whether design, product, installation or occupation to be accepted it must, in my opinion, be in the form of a Compliance Certificate as currently provided for under the Environmental Planning and Assessment Act 1979.

Documents are the basis for **responsibility, accountability and liability**. That is why many in the industry will speak against this as another "big brother" approach. Many would prefer not to leave an audit trail. This is, however, exactly what we want from the system, but do it under one accreditation system and one Compliance Certificate system.

Compliance Certificates need to be:

- Issued by those that are Accredited under the **Building and Development Certifiers Act 2018**, (if new classes of certifiers are required that can be addressed under the Regulation).
- a statutory requirement,
- managed through a NSW Government Portal similar to BASIX,
- able to be created using an account that identified the Accredited Certifier,
- an online open access document under GIPA, and
- linked to consents, CDC and land parcels so the public can find and review them.

If existing provisions for the provision of Compliance Certificates is not formalised, regulated through a secure portal (similar to BASIX Certificates) and mandated nothing will improve **responsibility, accountability and liability**. All that is necessary is to accredited all the building designers, engineers and other practitioners under the **Building and Development Certifiers Act 2018 and mandate Compliance Certificates**.

Please don't hesitate to contact me on \_\_\_\_\_ or by email \_\_\_\_\_ .

Yours faithfully,

Brett Daintry, MPIA, MAIBS, MEHA  
Director