

Supplementary  
Submission  
No 127a

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

**Organisation:** Dincel Construction System Pty Ltd

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DinCEL Construction System submission to:

**Inquiry into the regulation of building standards,  
building quality and building disputes.**

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Further to the feedback we submitted to the committee in July of 2019, I would like to highlight what I think are some of the drivers for the misalignment between the compliance rules and regulations set by our National Construction Code and its intent as a means to protect consumer safety/rights versus what is currently being delivered by the Building and Construction Industry.

The following are from the perspective of a team of engineers who started off as a structural & civil engineering consultancy firm and then went on to become a building product manufacturer and supplier. As the latter, we have undertaken all the tests required for proof of compliance with our current NCC National Construction Code including running the full systems tests introduced into our Code following the Lacrosse and Grenfell fires but we have observed a fair amount of bad behavior in the industry as well as loop holes in the system that allow for this bad behavior to go unchecked. Specifically:

1. There is a never-ending circle of “passing the buck” in the industry on account of the lack of responsibility/accountability in the absence of a duty of care legislation protecting consumers. This often results in non-compliant cheaper products being installed in lieu of compliant products.
2. There is another level of complexity/confusion added by certification schemes such as CodeMark, which were originally put in place as a means to fast track proof of compliance. This has resulted in people with the incorrect aptitude level taking CodeMark certificates as blanket compliance reports without doing their due diligence on NCC editions or clauses referenced in the CodeMark certificate or checking limitations listed on the certificate. I will include in this submission examples of how some CodeMark certificates do not address the critical issues such as reliance on building maintenance to protect the life of the structural building, and delamination of liners in the event of internal or external fires which can potentially become a hinderance during fire rescue efforts potentially increasing loss of life.
3. Building product manufacturers feeding misinformation to the market with regards to compliance and being able to use CodeMark certificates that reference NCC editions that have been superseded. For example, a manufacturer having a CodeMark certificate that states they are compliant to NCC 2016 Amendt1 as opposed to NCC 2019 which is currently in force.
4. All of the above require a certain level of technical aptitude in order to ensure compliant products are being used to construct buildings, specifically:
  - a. Ability to understand how compliance schemes work so they can do their due diligence and check that they are looking at compliance certificates that cover requirements set by the NCC and also that are based on current National Construction Code and not older versions of it.
  - b. Ability to interpret our National Construction Code and by extension, all of the Australian test standards referenced in it.
  - c. In the design and construct chain of responsibility, several builders and private certifiers fundamentally lack the aptitude to understand what our code requirements are, how our certification schemes work, and how to cross check information between the two, effectively rendering them unable to ensure buildings are constructed to code.

I will now elaborate on each of the above points and provide supporting evidence where required.