

Supplementary
Submission
No 172a

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

Name: Name suppressed

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Partially
Confidential

Statement to NSW Parliament

I worked at an unaccredited laboratory in NSW in 2018, what I saw there was a loophole in the accreditation system and NCC being exploited by an engineer.

While JAS ANZ claims that only CertMark accredited sites that are NATA accredited, built and operated to the ISO17025 standard. It is obvious to me that this system is not being enforced or regulated as many of the materials tested at this unaccredited site seem to be referenced on or paraphrased certificates of conformity.

While there is a definite need for NATA accreditation, it is opt-in, just as the FSVM. With little regulatory control over this space as no government agency has been tasked with regulation or enforcement it is rife for corruption.

Additionally, this devalues other NATA accredited facilities and the confidence that this brings the industry, should this be constantly undermined I believe we will lose our global standing as producers of quality.

During my tenure I saw many things that caused concern they are but not limited to;

- Datasets being retroactively reconstructed due to equipment failure
- Testing done outside of standard mandated conditions
- Advice being given on invalid testing, this being referenced on certificates of conformity
- Certifications being made on invalid test results
- Being requested to alter test results to force pass criteria

The loophole seems to centre around section 5A.2 of the NCC volume 1, something that I have observed to occur across Australia in multiple jurisdictions. This allows a relevant professional to ignore the source of the data and use their professional standing to supplant results.

The commercial in confidence clause if utilised in conjunction with FSVM would invariably exacerbate this metric.

One of the major concerns that I have observed is the lack of uniformity in the application of materials testing in this space, volatile organic compounds seem not to be investigated.

The FSVM seems to be mainly concerned with the levels of CO₂ generated from SMOGRA calculations rather than the more toxic species liberated from organic based building products.

Nor is there any congruity regarding the matching of tests. Meaning you could know something is non-combustible (a NCC requirement in some cases) but have no idea if the material produces toxic chemicals when it degrades.

The way materials are assessed needs to be standardised and control needs to be wrested back from this unregulated area and new laws need to be constructed to insulate Australians in the future.

A migration to a new system comprising of 3 core tests performed at NATA accredited facilities will create the certainty and trust in the materials efficacy and resolve this problem.