



BUILDING STRONGER FOUNDATIONS

DRAFT RESPONSE TO NSW GOVERNMENT DISCUSSION PAPER

JULY 2019

ABOUT US



Consult Australia is the industry association representing consulting firms operating in the built and natural environment sectors. These services include design, engineering, architecture, technology, survey, legal and management solutions for individual consumers through to major companies in the private and public sector including local, state and federal governments. We represent an industry comprising some 48,000 firms across Australia, ranging from sole practitioners through to some of Australia’s top 500 firms with combined revenue exceeding \$40 billion a year.

Some of our member firms include:



INTRODUCTORY REMARKS

Consult Australia welcomes the opportunity to provide this response to the NSW Government “Building Stronger Foundations” discussion paper issued by the Minister for Better Regulation and Innovation, Kevin Anderson MP.

There is no doubt that confidence must be restored to the broader community regarding the quality control for building construction in the state.

We strongly agree that owners and end users of buildings should have certainty that their building complies with all relevant codes and laws and that there is adequate and appropriate enforcement of those codes and laws. We believe that reforms are necessary to better manage the quality of buildings. However, in order to ensure that current problems in the process are addressed a clear understanding of the building and construction process is needed to ensure that proposed reforms are appropriate and will achieve the desired outcomes.

The discussion paper “Building Stronger Foundations” is a good start for an open and frank dialogue with all key stakeholder bodies. We note that since the publication of the discussion paper an agreement to a national approach to the implementation of the *Building Confidence* (Shergold & Weir)¹ report was reached by all jurisdictions. We congratulate the NSW Government for being part of this important commitment. Considering this Consult Australia would support NSW moving towards the implementation of the Building Confidence recommendations as opposed to the reforms set out in the discussion paper.

Understanding the building and construction industry

The culture in every building and construction project starts at the top i.e. the commissioner/developer of the project. They establish the priorities for the project. The extent to which time and cost is valued over other factors such as, quality and sustainability, will have a significant impact on the outcomes of the project.

In NSW nearly all buildings, be they residential, commercial or institutional, are delivered through design and construct (D&C) contracts. The discussion paper does not exhibit a clear appreciation of the D&C process.

Under D&C it is the building contractor who has primary responsibility for the design, and typically sub-contracts to various parties to undertake the design, while retaining the role of the design manager. The contractor, as the design manager, decides how to allocate responsibilities for the design across architects, engineers, specialist trades. It is only the contractor who has a complete picture of who is responsible for designing the various elements, and as the design manager they have a critical role to coordinate and integrate the various designs that collectively constitute a complete building. It is their unique wholistic perspective, combined with their key decision-making role within the design process that makes the builder also a designer, and hence must be approximately qualified, registered and publicly accountable.

In practice it is the decisions of the D&C Contactor/Builder, that commonly see those elements which are reportedly at the forefront of building defects being designed not by the architect or engineer but by specialist trades, for example, facades, waterproofing, and post-tensioned slabs.

The notion that under a D&C procurement process that certification (in any form) by designers at the time of issuing a construction certificate (CC) provides assurance to owners of the National Construction Code (NCC) compliance is misguided. It is commonplace that design documentation at CC falls well short of what is required to fully inform the construction.

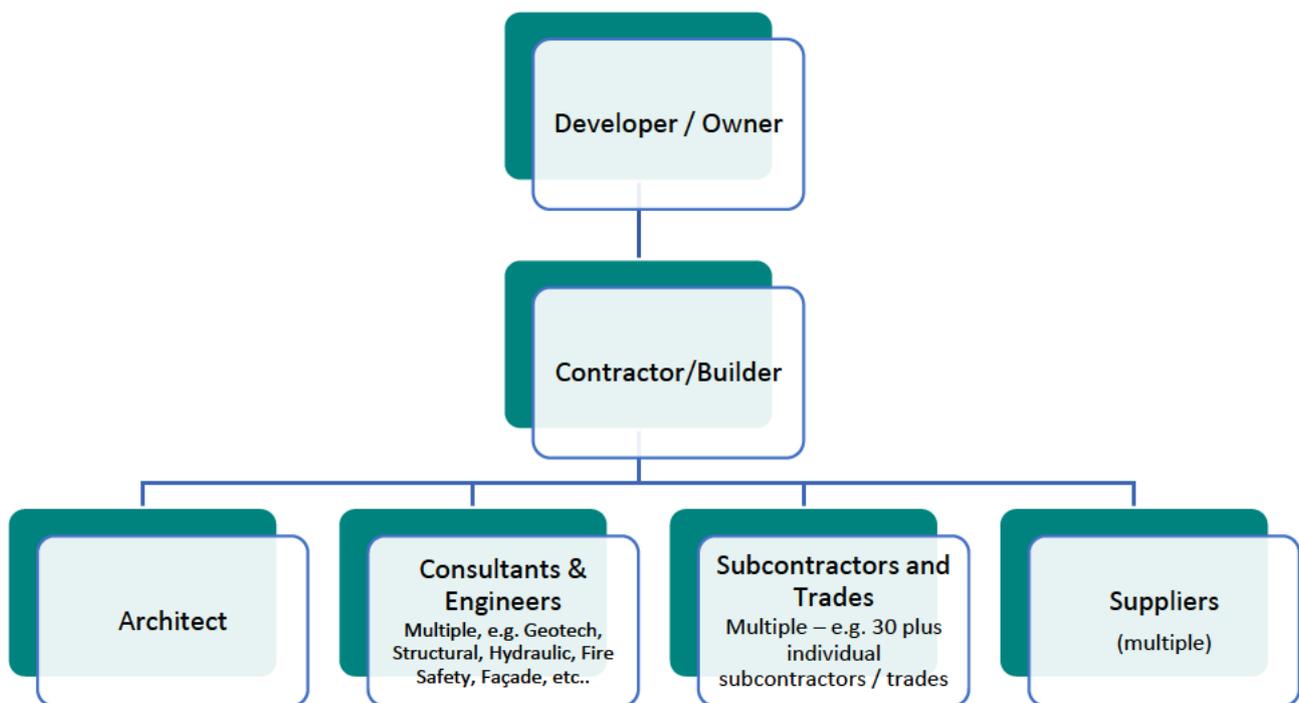
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www.industry.gov.au/sites/default/files/July%202018/document/pdf/building_ministers_forum_expert_assessment_-_building_confidence.pdf

Documentation submitted for CC often relies on wordy specifications rather than design details and commonly shifts responsibility for detailed design to other parties whose documentation is not needed for CC.

Under a D&C process design always continues beyond the issuing of a CC and typically follows a just-in-time process dictated by the construction program. There is often little time for engineers and architects to review the design work of others, if they get an opportunity at all. Completion of design post CC is a more significant issue than design changes post CC. Completion of design includes construction details that are not only critical to building performance and compliance with the NCC, they involve designs prepared by numerous other parties (other than the engineer and architect, and usually sub-contracted specialist trades) who's work is not included in the CC and may not be certified. The qualifications and Professional Indemnity (PI) insurances of the other parties, who prepare designs, is highly questionable, but rarely questioned.

Basic D&C structure:



The skill level of these participants spans a wide range from professionals, technicians, skilled trades, and casual trades. Across this group there are significant differences in education, training, professional standards and knowledge of the building regulations and codes.

Post the design phase the level of influence that the Architect and Engineers (the consultant designers) have on the construction is of secondary importance. Typically, the design responsibility is passed to the Contractor/Builder. However, as the build progresses multiple decisions can and do get made that alter the design incrementally. These incremental decisions and changes when combined can have significant consequences.

Without a definition of 'building designer' there is an assumption that the responsibility for these incremental changes fall to the Architect and/or Engineer, however the Architect and Engineers may have no knowledge that changes to the design have been made, unless the Contractor/Builder refers back to them.

If the change is substantial then it is likely that the Architect and/or Engineer(s) will be notified, however incremental changes are often not considered significant enough.

The National Construction Code (NCC) includes a definition of a professional engineer, however there is no similar definition of a builder, which specifies the qualifications and experience that a builder must maintain. This means that there are building subcontractors and trades making decisions that can affect not only the construction but also the design without any training in the NCC or professional standards to be met on a project. This is where risk of failure creeps in.

In any reform to the building regulations it should be made clear that the Architects and Engineers are only required to certify that their original design complies with the relevant Codes/Regulations. All changes to the original design must be verified by an appropriately qualified professional and if the Contractor/Builder (or their subcontractors/trades) approve any changes then the Contractor/Builder should be caught within the definition of 'building designer', because they are influencing the design and therefore the outcome of the project.

CONSULT AUSTRALIA'S RESPONSE TO THE FOUR PROPOSED REFORMS

The submission has been structured to address each of the four suggested key reforms, followed by a response to the specific questions asked in the paper.

Consult Australia members would like certainty that any new reforms integrate efficiently with current state and federal processes and requirements relevant to the building regulation and approval system.

We ask that we continue to be engaged on any continuing dialogue following the closure of the consultation period as a key stakeholder, given the impact that any reforms will have on Consult Australia's membership, which includes small, medium, and large consultancies active in the building industry.

PROPOSED REFORM 1

The NSW Government will regulate building designers, architects, engineers and other building practitioners who provide designs, specifications or plans. It will require these persons to declare that their plans and performance solutions comply with the BCA. Further, builders will be required to declare that the building was constructed according to the plans.

Consult Australia Recommendation re Reform 1:

As explored in our introductory remarks the reforms focus on only those parties that **provide** designs, specifications or plans. We do not believe that proposed Reform 1 addresses a key area of risk in the process, i.e. the incremental changes to design that are made by unqualified builders or trades involved in the construction phase.

All changes to designs must be viewed by an appropriately qualified an experienced professional. Reforms must include a definition of 'building designers' meaning any person that approves **any changes** to the design. It should also make certain that only appropriately qualified practitioners can make changes to design. This would ensure that the bar is raised in terms of knowledge of the NCC and building regulations because any changes made to the design (large or small) by an unsuitability qualified professional would be a breach of the legislation and we would recommend that appropriate penalties apply.

Any substantial variation to the initial design should be fully documented and include the final design plans, certificates and specifications.

It would be a breach of a professional's duty of care to sign any form of document, be it a statutory declaration or certificate, for anything other than the services that they were commissioned to perform. We do not support the notion that responsibility for the project outcome falls solely on the designer. As discussed in our introductory remarks (see page 3 above) the project commissioner and the Contractor/Builder are key participants and have significant influence over the project and whether it is defect free, on time and on budget.

Under the D&C model the Contractor/Builder is in effect a designer. Outside of their contractual obligation for design, as design manager they make key decisions relating to the design, particularly in deciding who designs what elements (engineers v's specialist trade), and then bring the design together to form a whole building in which the inputs from numerous parties constitute a complete, integrated NCC compliant design. Only the design manager can make a declaration concerning the completeness and integration of the design.

It is important that the contractual terms and conditions under which the Architects and Consultants will be engaged (i.e. the Contractor/Builder) give the professional consultants and engineers the appropriate authority and knowledge needed to responsibly and professionally discharge their duty without accepting undue risk. Reforms need to be targeted in a way that encourage the behavioural and cultural change needed through the contractual chain from the project commissioner onwards. As an example, this could be achieved by the adoption of standard form contracts, i.e. AS4122/2010 General Conditions of Contract for Consultants.

It is important therefore that commissioners of projects and Contractors/Builders are equally responsible for their role in the project, including their construction activities and choice of materials. Noting that the discussion paper does not raise responsibility for materials compliance.

Any sign-off requirements should apply to designers, contractors/builders and developers in accordance with their role in the project.

We consider the motivation behind the proposal for statutory declarations is that the provision of a statutory declaration will act as a deterrent for compliance failures because criminal penalties apply. However, we do not believe that a statutory declaration provides any additional certainty or benefit to the end user of the building.

Consult Australia believes that there are existing systems in other jurisdictions that have a robust approach to certification. We encourage the NSW Government to consider these systems and particularly encourage greater consistency with other jurisdictions in Australia, because the greater consistency of regulations across Australia will increase knowledge and standards. Professionals and businesses (of all sizes) working across Australia are then not required to understand a multiplicity of rules, thus decreasing risk.

Examples of good practice in other jurisdictions

Queensland

In Queensland Building Act 1975 and Regulation enables competent persons and Queensland Building Services Authority (QBSA) licensees to give help to building certifiers in the assessment of a building application and inspection of building work.

Competent persons give design/specification help and inspection help by certifying that:

- Form 15—A building design or specification will, if installed or carried out under the certificate, comply with the relevant building laws; or

- Form 16—That an aspect of building work complies with the building approval and the relevant building laws.²

Form 15 is a design certificate for construction and Form 16 a construction certificate confirming that the design is as built.

Victoria

The Victorian system of 3rd Party Peer review could be considered for inclusion in any NSW reforms, for large complex projects.

A peer review can be helpful in upskilling the profession. It should be based on a risk matrix, which the certifier can use to determine whether to trigger the peer review.

New Zealand

Form PS1 requires the engineer at the design stage to state the level of construction service required. This is dependent on the size of the project, the importance of the project, the complexity of the works and the experience and demonstrated skill in quality management of the Contractor/Builder. Hence this category ranges for CM1 (low risk with minimal site inspections) to CM5 (full time staff on site for a major project).

A summary of the system is outlined below:

1. Competent design professional – this is defined as a professional qualification and proven current competence through registration on a national competence register, such as Chartered Professional Engineer or a Registered Architect.
2. The standard forms are:
 - PS1 – like a Form 15 in Qld and Form 1503 in Victoria – this is a design certificate;
 - PS2 - a design review certificate which could be viewed along the lines of a peer review certification;
 - PS3 - construction certificate – provided by the contractor;
 - PS4 - construction review (which is like a Form 16 in Qld and 1507 in Victoria) - this is a construction certificate.
- Construction monitoring services - defines CM1 to CM5.

Consult Australia members can provide further information on each of these systems to assist the NSW Government look at the processes in further detail.

Answers to the specific questions

1. What kinds of plans should be signed off and declared by a statutory declaration?

- We do not agree that a statutory declaration will provide any greater certainty to the end user of buildings and recommend instead that the NSW Government look to successful existing systems in other jurisdictions in order to create greater consistency and certainty in the industry and for end users.
- For engineering designs, a common, agreed and accepted certificate is recommended. This wording should be legally checked to ensure that the responsibility of the designer does not extend beyond the design provided by the designer, to ensure that the matters being certified by the engineer are within the coverage of Professional Indemnity insurance policies. Designers should not be expected to certify on any work beyond the services that they have provided.

² www.hpw.qld.gov.au/sitecollectiondocuments/newsflash258.pdf

2. Could plans be statutorily declared at the CC/CDC stages? If not, why not?

- Design certification and statements of compliance are enough for the certifier accepting the design for the purposes of the CC/CDC. However, these design certificates and statements will and does not provide any meaningful protection to the end user, because the project has not reached detailed design or construction completion. On D&C projects the design process is ongoing throughout the construction. In fact, the detailed design (a major cause of defects) is typically absent from CC documentation and is finalised in a just-in-time manner as construction proceeds. Certification that the building has been built according to the design can only be made by the Contractor/Builder once the building has been completed.

3. To what extent should changes to plans be submitted to the regulator?

- It is not entirely clear from the discussion paper who the 'regulator' is in this question.
- If the 'regulator' is the proposed Building Commissioner we question the practical nature of this proposal, because to what extent would a Building Commission have the resources and capacity to review every building plan or changing to plans? Who would have responsibility for the cost of delay to the project whilst waiting for a response?
- If the 'regulator' refers to the approval authority, the final "for construction" documentation and any modification advice should be issued to the certifier with appropriate design certification. It should be noted that "for construction" documentation does not mean that the documentation is complete. It is common place that the documentation by the architect or engineer needs to be supplemented by documentation from a specialist trade thus completing the documentation to a level that the building can be constructed. Minor modifications to the design documentation are common during construction and should not need to be re-submitted to the regulator provided they have been approved by a competent professional.

4. Should a statutory declaration accompany all variations to plans or only major variations?

- See answer to question 3.

5. Are there any obstacles that would prevent a person from submitting a statutory declaration for variations? If so, what are those obstacles?

- Excluding design development, changes to the design occur continuously on a project. It will be impractical for a person to submit a statutory declaration for each and every variation.
- Time is also a significant obstacle, this is driven by the contractual terms and conditions under which the parties are operating because liability for time delay is a significant liability that can arise.
- Again, we note that there is limited value, it is the approval for any changes by an appropriately qualified person and the final sign-off that is key to providing end user certainty.

6. What other options could be workable if there are variations to plans?

- Major changes should be resubmitted as is the case now.

7. How could the modifications process be made simpler and more robust?

- Ensuring all parties involved have adequate training in the NCC and the necessary experience and qualifications.
- The final design documentation used for construction should have a final sign-off and an accompanying list of design documents for submission to the certifier.
- In the event of a query as to whether the change is minor or major, the certifier should advise.
- We believe the emphasis on variations and modifications as the substantial cause for concern is misplaced, and the emphasis should be on completeness of design and clarity as to who has responsibility for which elements.

8. How should plans be provided to, or accessed by, the Building Commissioner?

- As set out in our answer to question 3, the Building Commissioner should not be included as a step in the process as this is cause substantial delays. However, the role of the Building Commissioner to investigate issues would require access to plans, and the Commission could therefore be given the power to request the plans and access electronically.

- If all plans were submitted to the Building Commissioner, there will need to be a substantial, searchable electronic storage system.
- 9. What types of documents should 'building designers' provide to the Building Commissioner?**
- This will depend on the role and resourcing of the Building Commissioner. The NSW Government should avoid placing additional compliance requirements on industry unless they clearly add value to the process and end users.
- 10. In what circumstances would it be difficult to document performance solutions and their compliance with the BCA?**
- There is no reference in the discussion document referring to documenting how the certifier forms a view on any performance solutions proposed. This may further underscore the purpose of a peer review for larger more complex projects.
- 11. Would a performance solution report be valuable as part of this process? If not, why not?**
- Providing a performance solution report is already a requirement for the CC and for the Occupation Certificate.
 - There is currently no obligation on the builder to hand over commissioning and maintenance manuals, or the 'as built' documents, which may contain key information for the owners and users of a building. Both design and 'as built' documents contain key information, but it is not clear what happens to the design documents once the Consultants provide these to the Contractor/Builder, or if they reach the end-user.
 - These records could be held by the Building Commissioner so that future owners can access them.
- 12. Are there any other methods of documenting performance solutions and their compliance that should be considered?**
- Other jurisdictions such as Singapore use a waiver system, however in NSW only deviations from code compliance are formally notified to the building authority and approved, not the whole design.
 - A performance report considering the holistic design is the only way to have any confidence in the overall fire safety performance of a building.
 - The certifier should be able to determine if a peer review is required and then direct the developer of the project accordingly, including engagement and scope.
 - The NCC is working on quantification of performance requirements to be published in 2022.
- 13. What would the process for declaring that a building complies with its plans look like?**
- The Contractor/Builder's role in delivering a compliant building is critical, yet they may not have appropriately skilled people on the building site to ensure that all requirements are being met. There are typically not enough qualified engineers on site and this needs to change.
 - Certification from the Contractor/Builder that the work is constructed in accordance with the plans and specifications is critical.
- 14. What kind of role should builders play in declaring final building work?**
- The Contractor/Builder should be front and centre in declaring their work is constructed in line with the documentation and to appropriate standards. This will require appropriate skills and education of the contractors, including engineering and building qualifications of an appropriate level of rigour.
 - A key issue is who has the authority to stop work on site when non-compliance is found and remediation requirement. The contractual terms and conditions do not give this authority to the consultants or subcontractors. If any parties working under contract to the Contractor/Builder, or direct with the Commissioner, stop work they will then may be liable for causing time delays and liable for costs under their contract.
- 15. Which builders involved in building work should be responsible for signing off on buildings?**
- The Contractor/Builder as well as responsible individuals (as per qualified engineers in the design phase) should be responsible for sign-off.

16. Are there any circumstances which would make it difficult for builders to declare that buildings are constructed in accordance with their plans? If so, what are those circumstances?

- The only difficulty would be when they have not done the job correctly.

PROPOSED REFORM 2

It is proposed that practitioners who provide final designs and/or specifications of elements of buildings and prepare plans based on those designs would be registered. Such practitioners are likely to include building designers, architects and engineers. Feedback is requested on which practitioners should be registered and how those practitioners should be defined in legislation.

Consult Australia Recommendations re Reform 2:

Consult Australia does not agree that there is a need to introduce a new registration scheme. We do however agree on the need for a licensing process and recommend the utilisation, upgrade and continuous improvement of existing licensing and certification programs to meet this requirement.

Neither licensing nor registration alone will solve all the challenges in the building industry, but it does help set a good foundation and minimum criteria necessary to practice. Licensing/registration also provides the ability to de-register individuals who are not maintaining standards.

Consult Australia believes it would be more efficient if the NSW Government looked at the licensing systems in place across Australia (e.g. Victoria) and work towards consistency and mutual recognition to ensure that there is not a multiplicity of different regimes in each state/territory, with multiple fees and compliance requirements, which will reduce productivity and unnecessary increase regulation on business of all sizes (note that many of our small business members work in multiple jurisdictions).

Importantly any scheme must have conditions that require ethics, no criminal record, no insolvency for 5 years (to prevent companies closing and re-opening to avoid debts and insurance claims) and an emphasis on NCC compliance.

Regarding insurance it is the view of Consult Australia that Professional Indemnity (PI) Insurance should be held by licensed building practitioners (where employed by a company evidence of a certificate of currency from the business should be sufficient).

In order to provide greater certainty to insurers that professional consultants are not a risk of being the 'deep pockets' out of all the parties involved in building projects, the NSW Government should fully enact the Proportionate Liability Legislation as intended and prohibit 'contracting out', which is typically required by clients in NSW.

In detail, the exception contained in Section 3A, Paragraph 2 of the NSW Civil Liability Act 2002, should also include Part 4 of the Act, thus expressly prohibiting the contracting out of the proportionate liability provisions. This would make the legislation consistent with the QLD proportionate liability law.

Answers to specific questions

17. Are existing licensing regimes appropriate to be accepted as registration for some builders and building designers, such as architects, for the new scheme?

- There should be a nationally consistent licensing scheme for building practitioners. The NSW Government should look to existing schemes in other jurisdictions and apply as a model, e.g. Victoria.

18. What occupations or specific activities are involved in 'building design' and should be in scope for the registration scheme?

- Please refer to our Recommendation in response to proposed reform 1 and our answer to question 17. We have also provided an illustration in the table below.

Design	Minimum Licensing Requirements
Engineers	Chartership/National Engineers Register (NER)
Technicians	Chartership
Architects	Registered (existing)
Certifiers/BCA Consultants	Registered (existing)
Implementation	
Builders	Registered Engineer acting for
Contractors	Licensed builder
Sub-Contractor	Engineer sign-off of design work

19. What should be the minimum requirements for a registration scheme?

- A nationally consistent licensing system should be adopted utilising existing regulatory schemes and assessment entities.

20. What form of insurance should be mandatory for 'building designers'? Why?

- PI insurance should be required in accordance with our recommendation (above) to this proposed reform.
- The Civil Liability Act 2002 should be amended to remove the ability to contract out of Proportionate Liability, thus increasing the likelihood of appropriate insurance policy cover, because it reduces the insurance industry's assessment of the risk of professional consultants (architects, engineers, certifiers etc).

21. What kinds of minimum requirements should be prescribed for the insurance policy (for example, value, length of cover, etc.)?

- PI insurance is a product of the insurance industry and is an annual 'claims made' policy. The policy is between the insurer and the insured and the insured has little or no ability to set the terms because the policies are written by the insurer according to their underwriting criteria. The value of the cover should be reasonable and commensurate to the services performed by the insured.

22. What skills should be mandatory for 'building designers'?

- In addition to the relevant qualifications, skills and experience in practice, there should be a clear emphasis on NCC compliance.
At present there is a gap in the industry capability and familiarity with the NCC.
- The government and professional bodies must ensure that NCC training is tailored to the skill set and provided by a competent authority.

23. Should specific qualification(s) be required?

- A Washington Accord degree level for all engineers and for builders of certain risk levels of buildings would be necessary.
- Allowance for experience and training at non-engineer level disciplines would be expected to retain experienced and competent professionals without such a qualification for an initial period until the requirements are embedded into the industry.

24. Should there be other pre-requisites for registration?

- Ethics, no criminal record, no insolvency in last five years (to prevent companies closing and re-opening to avoid debts or insurance claims).

25. What powers should be provided to the regulator to support and enforce compliance by registered 'building designers'?

- Audits should be the initial verification method of compliance.

PROPOSED REFORM 3

Purchasers of new buildings rely upon the diligence of building practitioners and statutory protections to have confidence in the quality of development. However, for various reasons, owners can face significant difficulties determining and pursuing liability for defects that arise after occupation. It is proposed to tighten the protections by introducing a duty of care owed by building practitioners to building owners. Feedback is sought on how the duty of care should be implemented, including who it covers and how responsibility should be apportioned across various practitioners.

Consult Australia Recommendations re Reform 3:

Consult Australia *does not* agree that a statutory duty of care should apply. The common law duty of care has been repeatedly and effectively used to apportion responsibility. This was clearly demonstrated in the findings of the Victorian Civil and Administrative Tribunal re the Lacrosse Tower in Melbourne. The impact of cases like this is why the PI insurance market is looking to reduce its exposure to claims by excluding from policies anything to do with Aluminium Composite Cladding or going as far as excluding, 'non-conforming building products' (note undefined in the policies). The insurance industry is seeking to minimise exposure to claims that are likely to arise, noting that insurance is there to cover 'unforeseen losses'. This has resulted in the majority of building professionals being without insurance cover in the event that a claim is made against them relating to either issue.

Adding a statutory duty of care will further cement the insurance industry's view that the risk of claims relating to building works are high (almost a point of certainty). This will have a substantial negative impact on businesses and practitioners, who will not be able to bear the financial exposure. It will also substantially increase the likelihood and cost of litigation because claimants will be able to shop between suing under the common law or the statute or both.

We believe that this would be a significant retrograde step and that the Reforms should focus on standards and enforcement to substantially reduce the risk of claims and litigation. This will help to restore the confidence of the insurance industry, but more importantly public confidence.

An increased emphasis should be placed on the Contractor/Builder as the responsible party in implementing the design and controlling the quality and design direction.

In the interests of clarity and consistency of compliance with all relevant elements of the NCC responsibility should be allocated to a building practitioner, who in turn owe a duty of care. This will likely be a combination of architects, engineers and other specialists (acousticians, fire engineers etc.).

Consideration also needs to be given to the D&C model where the detailed design is undertaken by a sub-contractor who often does not have accredited engineers doing the design. This should change with all such activities being caught in the definition of 'building designer'. As discussed under our recommendation re reform 2, we also believe that building designers should have their responsibility limited proportionally to their involvement in the project, so that they are not exposed to full liability on the basis that they were the entity left standing at the end of the day if the other parties go out of business.

26. Which categories of building practitioners should owe a duty of care?

- We are opposed to the introduction of a statutory duty of care and do not believe the case has been made that the common law duty of care is adequate. We do not believe therefore that the burden of regulation would be outweighed by the public benefit given the protections already in place and the rigour of our judicial system.
- An increased emphasis should be placed on the Contractor/Builder as the responsible party in implementing the design and controlling the quality and design direction.

27. What should be the scope of the duty of care? Should it apply to all or certain types of work? If so, which work?

- See response to Question 26.

28. How will the duty of care operate across the contract chain?

- The common law duty of care should apply to all engaged in the contract chain.

29. What types of consumers should be owed a duty of care?

- The common law duty of care already adequately addresses.

30. On what basis should a consumer be afforded the protection?

- Defective or non-compliant work.

PROPOSED REFORM 4

Appointing a Building Commissioner to act as the consolidated regulator for the construction industry, with powers to investigate and take disciplinary action against building practitioners that engage in improper conduct.

We understand that the NSW Government will be employing a Building Commissioner in the very near future. Consult Australia stakeholders agree in principal with this appointment noting the request to rethink the proposal in Reform 1 that the Commission be provided with all plans. We ask to be further consulted on this important role.

CONTACT

We would welcome any opportunity to further discuss the issues raised in this submission. To do so, please contact:

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