
From: Louise Riles
Sent: Thursday, 27 June 2019 12:22 PM
To: Building Confidence Response
Subject: SUBMISSION OF COMMENTS ON Building Stronger Foundations Discussion Paper - Implementing the NSW Government Response to the Shergold Weir Building Confidence Report June 2019

Categories: Green Category

RE: Building Stronger Foundations Discussion Paper Implementing the NSW Government Response to the Shergold Weir Building Confidence Report June 2019

The BC Report was commissioned by the Building Ministers' Forum (BMF) in 2017 and produced 24 recommendations to improve the national best practice model for effectively implementing building regulation and the National Construction Code (NCC).

Comments:

The paper does not specifically refer to multiple unit dwellings v homes but does appear to be written specifically in regard to multi storey multiple unit dwellings.

I believe these same issues apply to single unit dwellings particularly in regard to multi-million dollar projects which can be equally complicated. Specifically the role, responsibilities and duty of care of designers (architects, engineers etc) should be incorporated into all residential legislation and regulation.

Ministers message:

*While supporting growth, this Government is strongly committed to ensuring the safety of buildings through effective regulation, certification and enforcement. Modern buildings are no longer four walls and a roof – construction is complex, integrated and evolving. Future occupants of buildings deserve to know that they are buying a quality design and expert construction that is protected by strong and modernised building laws. **They also deserve to have an avenue of recourse in the event of a defect during a building's life.***

A residential building can have a life of over 100 years. Should a developer, designer or builder be responsible for defects *during a building's life*, and should these participants be help responsible *during a building's (entire) life*. Current residential legislation refers only to major building defects for limited periods.

Questions for feedback:

13. What would the process for declaring that a building complies with its plans look like? 14. What kind of role should builders play in declaring final building work? 15. Which builders involved in building work should be responsible for signing off on buildings? 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?

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

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

Types of practitioners and work.

Generally, building practitioners are obliged to perform work with reasonable skill and care, and to the standard of a reasonably competent professional or specialist with similar skills. These practitioners could include builders, developers, building designers, and any other type of building practitioner. In addition to deciding which practitioners should owe a duty of care, the type of work it applies to also needs to be determined. These practitioners may perform residential building work or commercial building work and could owe a duty for work over a certain threshold. For example, a duty of care could be owed to residential building work that was valued over \$5,000 to align with existing requirements under the Home Building Act 1989.

Most home owners (single residential or multi unit developments) would be surprised to know that commercial builders do not require licences. Is it fair that smaller residential builders, often run by an individual, are more responsible than large corporate, multi-million-dollar-turnover builders?

13. What would the process for declaring that a building complies with its plans look like?

14. What kind of role should builders play in declaring final building work?

15. Which builders involved in building work should be responsible for signing off on buildings?

As per *Diagram A3.2 – Proposed key functions of registered building designers*

- Designers should sign off on BCA and Standards compliance
- Builder signs off on built to plan

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

Only registered architects and engineers should be accepted for registration. Only they have appropriate educational qualifications.

Draftsmen or other unqualified individuals should not be permitted to register

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

Professional qualifications (degree minimum) and registration however industry self regulation bodies need to be reviewed

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

Only a single insurance is equitable. Ie the insurance should not be the builders responsibility, but purchased by the 'building' or the developer.. Professional indemnity (architect/engineer) requires recompense through law courts and is not easily accessible to general public

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

Professional qualifications based on tertiary education and professional registration

23. Should specific qualification(s) be required? Building Stronger Foundations: Discussion Paper Page 31

Place certification of highly technical and high value buildings back in the hands of councils and leave small residential developments in the hands of private certifiers

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

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

As per above, I believe all categories of work should have same duty of care, major subcontractors included (these alone can be multi million dollar contracts)

Regards
Louise Riles

Kind Regards,

Louise Riles