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**From:** JOHN  
**Sent:** Thursday, 27 June 2019 9:20 AM  
**To:** Building Confidence Response  
**Subject:** Submission

**Categories:** Green Category

Kevin Anderson MP

Reference is made to the BCR and its primary failure to address the urgency of including matters related to Certifiers liabilities and Insurance indemnity in the public's interest affecting this professional industry also proper functioning in NSW. This concern must be included as the ramifications of consumer protections are currently not available to the public.

Our organisation have consistently been insured with Lloyds of London for 16 years now no claims, no disciplinary actions and we have never experienced the difficulties in obtaining PI Insurance as of 2019 due to the Macro industry issues absorbing/plaguing the entire enterprise that Government are continuing to ignore as we have been left in the dark.

It is pertinent that the NSW Government make transparent that PI insurance providers have notified Certifiers in our industry have a greater possibility of bringing about a loss relative to the risks with the current legislation and recent judgements like *LACROSSE*, hence the Accreditation Body must act without regard to reduce/limit these Certifiers numbers to clamp down on those who act without regard for Insurers to secure against loss, damage or liability.

I have discussed recent contract of Insurance events with Insurance Brokers and Insurer providers being satisfied that the Actuaries with the Insurer diligently review the commercial risks, probability of insolvency due to the nature of risks and precisely calculate the contexts of individually assessed Certifier failure/s with regard to their experience, history and quality management.

Insurers advised "the amount for an insurance policy is a value relative to the imprudence, ignorance, inability, ineptness, irresponsibility, improvidence, incautiousness, inadvisability and inconsideration an individual follows in making professional and common sense decisions."

In my opinion I do not blame the insurers for departing our field of expertise caused as a result of those persons whom have been assessed to date whom either have been denied and/or premiums moderately/substantially increased as a consequence of their assessed chronological events.

In the Public's interest I endorse the BPB strictly ensuring Certifiers have the correct PI Insurance prior to renewal as this is a prerequisite to qualify on the Insurers risk assessment terms for the individual/Corporate Certifier.

It is imperative that the Building Commission implement a system of stakeholder registration that includes all entities Owner Corporations, ie Building and Strata Certifiers, Builders, designers, Enforcement agencies in one central agency.

For Consumer Confidence the Builders, Building Designers and Certifiers MUST Indemnify the end product.

A new body so called NSW Central Building Commission (NSWCBC) could provide the necessary oversight and insight in guaranteeing NSW confidence in the service, delivery and project quality for the prescribed life of a registered Building product if all Design, CC, Inspection, Compliance Certifications and OC are entered into a Central register administered by the CBC.

A Building Maintenance Schedule including Warranties for ALL Components is required to be handed over PRIOR to OC.

A NSW CBC should setup a BASIX style online system, Infact BASIX should in itself be abolished as well, as likely future Taxation revenue from Renewable Energy Certificates RECS can be included as Part of a Building Maintenance Schedule applied to all NSW Registered Buildings.

A NSW CBC would apply to ALL Residential Buildings 4 stories and over, Commercial and Industrial that would be required to obtain A Project Identifier from NSW CBC to Construct such buildings (NSW CBC would be paid a levy to issue a Project Identifier).

A Building Commission should work on the brief of regulating fewer Entities by having Certifiers and Designers consolidate their services rather than monitor a large number of separate entities. This will also CBC to monitor a smaller field and impose heavier fines for system violations.

The Online Project Identifier will include Design, CC, Inspections, Compliance Certifications, OC and a Building Maintenance Schedule. NSW Levies, Contributions and the like are centralised.

To improve Building Quality Building Designers must issue COMPLIANCE CERTIFICATES for the respective designs. The BCR fails to prescribe that Building Designers must provide a Compliance Certificate Prior to OC to the Principal Certifier. This will ensure that the Builders are their subcontractors are engaging with Designers during the process of Construction ensuring quality management is maintained.

The proportion of liability assessed by Insurers and Actuaries would spread and reduce the risk amongst all building professionals.

Unless registered Building Designers and Subcontractors issue Statutory Compliance Certificates the system is set to fail once again.

It is evident that the NSW Government has no intention to genuinely seek Quality Buildings for the Public and Consumer as On page 18 of the BCR it prescribes "To require all contractors on site to prepare declarations or to confirm that buildings are built to plan could be burdensome and may not be effective"

Even without consulting stakeholders the report deems declarations by those installers who undertake and complete approved designed building work as "burdensome and not effective". This opinion is unfounded.

I request that the department conduct a Certifier Survey including whether it would be burdensome and not effective to have Statutory Compliance Certificates from registered Building Designers and Subcontractors.

The necessity for declarations by Building Commission registered designers and/or contractors is extremely urgent, essential and the commanding missing link in the present system that has led to failings in reported buildings Bankstown Towers, Mascot Towers, Lacrosse etc. etc.

The BCR would have failed to fulfil its objective should these declarations be omitted.

Kind Regards  
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