
From: B. March
Sent: Friday, 28 June 2019 3:17 PM
To: Building Confidence Response
Subject: Building Industry Reform Submission

Categories: Green Category

Dear Prof. Shergold and Ms Weir,

Re: Building Industry Reform Submission 2019

The submission form would not download and accordingly we are emailing our replies in the order they appear in your form:

Question 1:

All plans should be lodged with the Building Commissioner and the local council relating to ALL aspects of buildings including:

- a) Geotechnical reports certifying the suitability of the block of land for the specific type of building proposed. This should include load bearing assessment for the type of soil/ground composition and whether over-development of an area may compromise stability of additional buildings and new buildings;
- b) All specifications regarding suitability of materials for the specific type of building proposed;
- c) All structural engineers' and architects' plans regarding load bearing, structural integrity, etc.

Question 2:

Yes.

Question 3:

Before building works begin it must be compulsory for all plans and variations relating to all aspects of all types of buildings to be "deposited" with the Building Commissioner. This should include a geotechnical certification - please see para. 1 above. All plans and variations must be endorsed with local council consent.

Question 4:

Every aspect of performance should be checked as each section of the works is completed. No further works must continue until each section has been certified as correct. Inspections must be done by university educated certifiers who must be licenced and insured. Certifiers must not be self-employed and must only be employed by local councils or the NSW government. The government's decision to allow self-employed certifiers to certify building works was a huge mistake.

Question 5:

Certifying Reports must only be lodged by university educated certifiers who must be licenced and insured and be employed by local councils or the NSW government. Certifiers must not be self-employed. Certifying Reports must provide details and photographs on all aspects and be accompanied by statutory declarations.

Question 6:

Builders must lodge a statutory declaration accompanied by photographs that he/she complied with all established building practices. Before builders are engaged they must provide certificates of attainment to prove they have passed exams on both theory and practical training relating to their building specialty.

Question 7:

University educated and licenced certifiers only.

Question 8:

Different specialist building licences should be introduced based on different types of buildings. Geotechnical engineers, structural engineers, architects, builders and building designers should attain specialist qualifications just like medical practitioners must do. There are huge differences in the skills required for different types of buildings. Building a house is much different to building a three-storey block of units OR conjoined townhouses OR high-rises (residential and commercial) OR industrial buildings OR bridges and roads, etc. IE, building practitioners should be licenced to build houses only OR multi-storey units only OR high-rise only, etcetera. They would be allowed to hold more than one specialist licence provided they pass the required exams and practical experience in each specialty. This should apply to developer companies as well and they must prove that all their employees have attained the required specialist qualifications or be de-registered by the Building Commissioner.

Question 9:

All geotechnical engineers, all structural and hydrolic engineers, architects, plumbers, electricians, builders, etcetera must lodge copies of their diplomas and university degrees with the registration licencing authority before being registered.

Question 10:

One component of a building industry insurance scheme could be similar to the solicitors' fidelity fund insurance scheme. Some industries/professions are self-insured. This means that every year a percentage of a builder's or engineer's or architect's registration licencing fee would be paid into a building industry fidelity insurance fund. It would be administered by the NSW government. Additionally each builder, architect and engineer should have his/her own policy with an insurance company for non-fidelity problems. See also questions below.

Question 11:

Minimum insurance requirements:

Value: Cover should be for the full cost of the works on a new for old basis. IE, if the original cost of the works was \$500,000 and the repair or replacement cost is \$700,00, then the building professional at fault should pay \$700,000. OR pay or do whatever else it costs or must be done to achieve full restitution for the property owner. Perhaps a sum should also be added on top of the cost of the works by way of "a pain and suffering" type payment as in personal injury cases. In those cases, the person who caused the injury pays not only for medical costs but also a sum for pain and suffering. Where building works are done badly, this causes property owners a great deal of anguish, worry and emotional distress and perhaps they should also be compensated for this suffering.

Length: At least 20 years.

Question 12:

Minimum skills for building designers must include:

- a) University qualifications in all aspects of structural engineering and/or geotechnical engineering before being licenced and before qualifying for insurance cover;
- b) Geotechnical engineers must certify the suitability of each plot of land for the specific type of building proposed including load bearing capacity for the type of soil/ground composition and whether over-development of an area may compromise stability of existing or new buildings; and
- c) Education in suitability of materials for the specific type of building proposed.

Question 13:

All categories of building practitioners should owe a duty of care. Also solicitors acting for purchasers of land should recommend that a geotechnical report be done before exchange of contracts. Geotechnical reports are especially vital where land:

- * slopes,
- * is located near a cliff (whether close to the sea, a river, or inland),
- * is located in an area where mining and exploration took place,
- * is located in a known subsidence area.

Question 14:

A duty of care should apply to all aspects of building works and to all types of buildings including houses, duplexes, townhouses, strata title units of all heights, community title buildings, high-rise buildings, commercial and industrial buildings.

Question 15:

All types of consumers are owed a duty of care regardless of whether they have signed a building contract for a single house or residential units or commercial and industrial buildings. Warranties and insurance cover/s should be passed on from builders and developers to the end users or buyers for at least 20 years.

We give consent for our submission to be published.

Yours sincerely,

B. & M. Marchant