

16 March 2018

Building Standards and Regulation
Consumer Building and Occupational Services
Department of Justice



Australian Institute of Architects

To whom it may concern,

Thank you for the opportunity to comment on the Draft Protection Work Determination and Guidelines. The Practice Committee of the Tasmanian Chapter of the Australian Institute of Architects (the Institute) generally believes the direction is reasonable in describing the responsibilities envisaged for the parties involved and, in particular, will help to more clearly define the rights and responsibilities of land owners.

However, committee members are concerned about ensuring that the responsibility remains with the builder and doesn't end up being mandated to have to show on architectural drawings, and that the Department continues to maintain a separation of "what to build" from "how to build". It has been suggested that the document makes it difficult to perform architectural services without adding the contractor to the team early, although some committee members say the responsible architect/designer should always recommend to the owner/principal the appointment of a suitably qualified engineer to properly assess and define the compliance work necessary.

Committee members are also concerned about insurance and believe the document may help to more clearly define who is at fault for insurance purposes. However, they say there must be no reduction in responsibilities and no loopholes for the insurance industry.

There is also concern that extra compliance requirements will cross over the current contractual clauses that govern the various responsibilities noted in Australian Standards Building Construction contracts, Master Builders contracts and Institute contracts and that, if implemented, DoJ will have to draft appropriate changes to its own building construction contracts and professional services contracts regarding rights and responsibilities. The responsibilities of the builder must not be diminished by the contractual conditions.

The opinion of the committee is that the requirements will likely add additional cost and time to a project before the commencement of construction – additional costs because the protection works need to be either documented for the Certificate of Likely Compliance and Building Permit, or before the building surveyor authorises the Start Work Notice; additional time as there is the potential for adjoining owners to contest the approval and stop the building works if they thought the proposed Protective Works are inadequate.

If we can be of any further assistance, please don't hesitate to contact us.

Kind regards,

Jennifer Nichols,
Executive Director, Tasmanian Chapter
Australian Institute of Architects