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Stakeholder Engagement, Education and Policy
Consumer, Building and Occupational Services
Department of Justice
PO Box 56
Rosny Park TAS 7018

By email to: cbos.info@justice.tas.gov.au; ryan.slater@justice.tas.gov.au

Re: Director's Guidelines – Inspection of Penetrations of Fire Rated Construction

To whom this concerns,

The Tasmanian Chapter of the Australian Institute of Architects (the Institute) would like to provide feedback on the *Director's Guidelines – Inspection of Penetrations of Fire Rated Construction (the Guideline)*. The Institute was alerted to this consultation by industry colleagues and ask to be included as a key stakeholder in future consultation that relates to building and construction matters. This Guideline will be important for architects to be across and will have particular impact on architects who are administering contracts.

The Institute is supportive of this Guideline in principle and is supportive of moves to ensure consumer protection. The Institute has consulted with members and our policy and advocacy team and has received a range of feedback, which is outlined below.

Members have questioned the reason for the consultation on the Guideline, as it is understood that this has been endorsed by the Building Controller and has been posted on the CBOS website. Members have also indicated that the Guideline is a great initiative, however, there is a suggestion that the Guideline requires a selection of sample projects prior to its full implementation. The sample projects would allow stakeholders, including building surveyors, local authorities, government and architects to assess areas of non-conformance (if any). This may lead to a recommendation of additional training and development for all building professionals.

The Institute suggests that it would be helpful to have a roundtable discussion with CBOS and relevant key stakeholders, including building surveyors, builders (MBT and the HIA), engineers (Engineers Australia) and architects (the Institute) to discuss these issues in more depth.

Specific feedback relating to each section is included below.

1. Definitions and abbreviations

The definitions should be updated to align with the wording included in the NCC.

The 'BCR' definition should had reference to the publication of the report by the ABCB, and should read as follows:

'BCR means the Building Confidence Report, published by the ABCB.'

It appears as though there is part of the sentence missing under the 'Fire resisting construction' definition, and that the 'FRL' definition also has some missing text. The 'NCC' definition should have 'of' deleted.

2. Document status

The Institute notes that while the 'Guideline is regarded as acceptable practice...' and 'should be followed to achieve the required standard of work,' it isn't a legal standard. In consultation with our Institute members, when working with other guidelines of a similar nature, there is some ambiguity as to how these guidelines are applied and interpreted by building surveyors. Clarity as to how building surveyors will apply this Guideline should be considered.

3. Background

There is a suggestion that the Guideline should not be linked to 'large commercial buildings,' as penetrations in fire rated construction play a vital role in buildings also contained in Volume One of the NCC. A question is raised as to what defines a large commercial building, and it is noted that in some instances, a two-storey, class 2 building may pose a higher risk, for example.

4. Scope

No specific feedback has been received relating to this section.

5. Mandatory notification requirements

Clarity should be provided to indicate that works can continue where they have no relationship to the inspection of the penetration. Feedback from our consultation process indicated that there was some confusion created by the wording of sentences in this section.

It is noted that the current regulation does not require mandatory notification to the building surveyor. A question has been raised as to the impact of the inspections outlined in the Guideline on the consumer (in relation to cost and time), building professionals (in terms of increase to insurance costs and staffing), principal contractors (in terms of the construction program) and building surveyors (in terms of insurance cost and resourcing).

6. Inspection of penetrations of fire rated construction

It has been suggested that this section should refer to the 'building complexity criteria' table 2 as defined in the NCC 2022, and define buildings as Low, Medium, High, Very High. All other classification criteria should be removed as they may allow subjective opinion. It is also suggested that the dot point noting 'any other reason deemed appropriate by the Building Surveyor' is too ambiguous and doesn't provide any certainty to the architect or designer, the builder, or the client, and should be removed.

7. Inspection rate

It is noted that the BCR is a recommendation only. It is suggested that a stakeholder meeting with CBOS, building surveyors, builders (including MBT and the HIA), engineers (Engineers Australia) and the Institute could be held to resolve the implementation of the Guideline and suitable inspection rates. Concerns have been raised about the impact on additional inspections on the consumer (regarding costs and time), building professionals (insurance costs and staffing), principal contractors (construction programs), and building surveyors (in terms of insurance cost and resourcing).

8. What to inspect

It has been suggested that this section needs to be further developed and provide a clear recommendation. The following questions have been raised.

1. What defines 'an appropriate representative sample'?
2. Is the Building Surveyor equipped and do they have the knowledge to assess these samples?
3. What liability does the Building Surveyor take on and how do their insurance premiums get passed onto the consumer?

9. Records to be kept by the Building Surveyor

Documents should be an annexure to the Form 20 Certificate of Completion, not the Certificate of Likely Compliance, which is issued at the commencement of the project.

Clarity should be provided as to how and where the records should be kept and maintained.

In summary, there may be issues that arise when the Guideline is put into practice, and the Institute would appreciate a means of raising these with CBOS if this occurs, along with meeting in a roundtable format to ensure concerns of the industry are heard.

Thank you for the opportunity to provide feedback on the amendments. Please contact us if you would like to discuss any of the points raised further.

Kind regards,



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Australian Institute of Architects



Jennifer Nichols
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The Australian Institute of Architects (Institute) is the peak body for the architectural profession in Australia. It is an independent, national member organisation with over 14,000 members across Australia and overseas. The Institute exists to advance the interests of members, their professional standards and contemporary practice, and expand and advocate the value of architects and architecture to the sustainable growth of our communities, economy and culture. The Institute actively works to maintain and improve the quality of our built environment by promoting better, responsible and environmental design. To learn more about the Institute, log on to www.architecture.com.au.