



Australian Institute of Architects

Building Confidence Report Progress and Challenges

Bronwyn Weir

23 July 2020

Building Confidence

Improving the effectiveness of compliance and enforcement systems for the building and construction industry across Australia

Peter Shergold and Bronwyn Weir

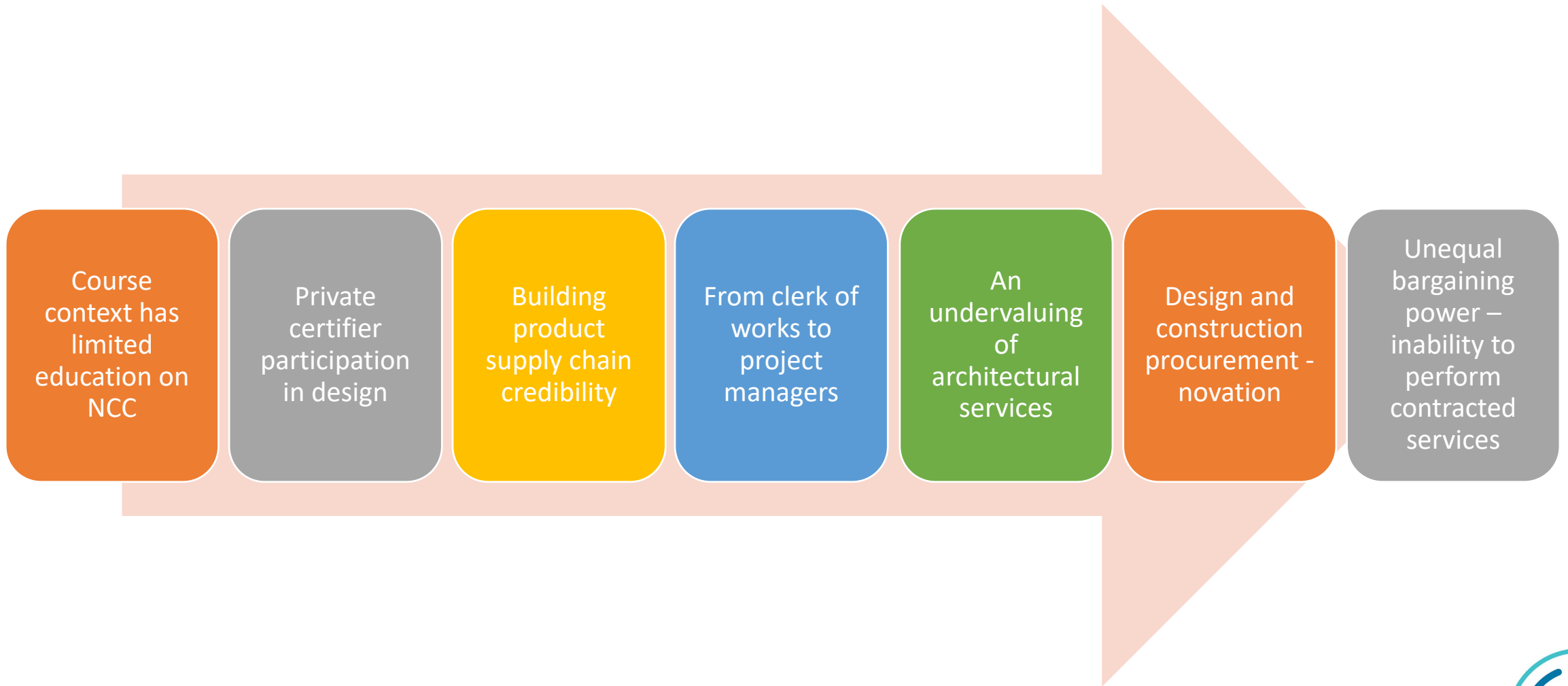
February 2018

Overview

- Key themes of BCR for architects
- Role of designer in the building approval process
- Lifting professionalism by shifting industry associations
- Improving regulatory effectiveness
- Update on progress
 - ABCB implementation team
 - States & Territories
 - Aspirations and challenges



Architects – pain points



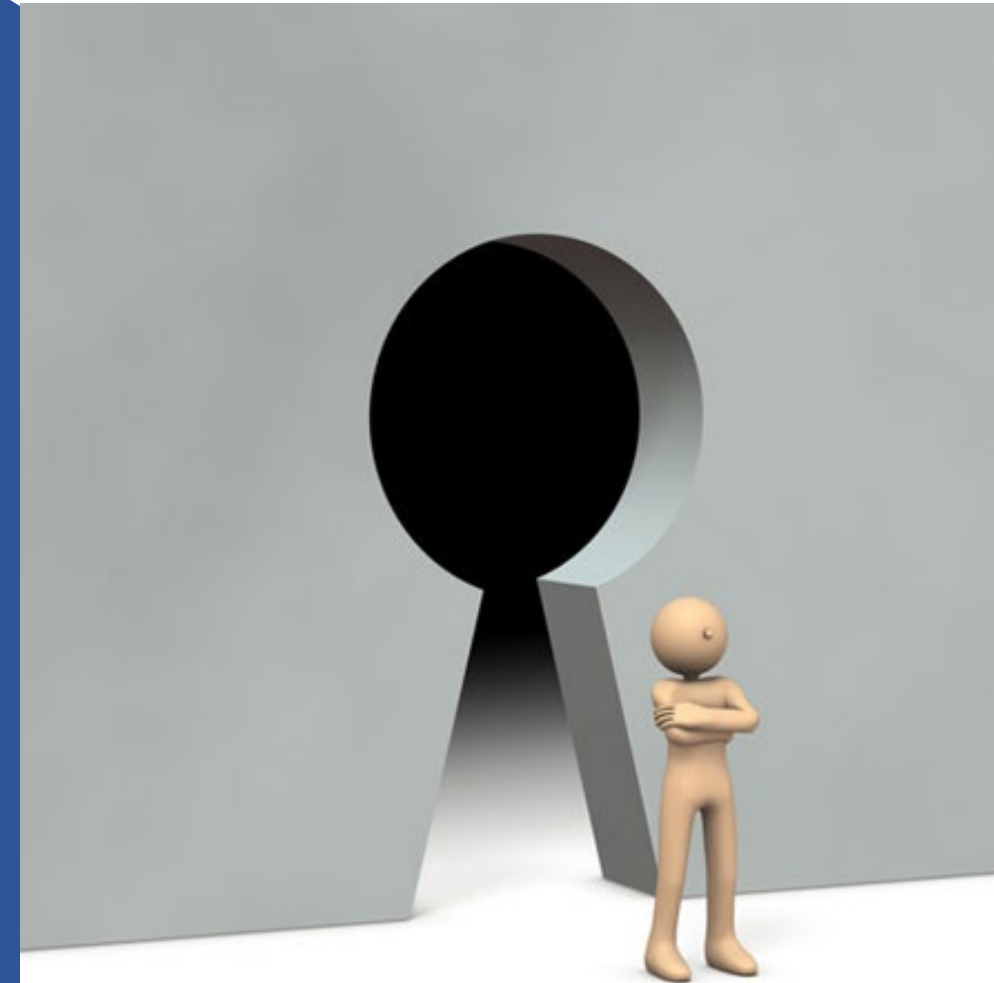
BCR - Key implications for Architects

- Registration of other design practitioners
- Enhanced regulation of architects
- Recalibrate the role of the private certifier
- Statutory duty to produce design which complies with NCC
- Clarity - variations and design & construct development
- Improvements to building product supply chain
- Mandatory specialist design for fire safety
- Digitisation – transparency and accountability



The architect's role in the building approval process

- Accountability (rec 13)
- NCC knowledge (recs 1, 2, 9 & 10)
- Building product compliance (rec 21)
- Adequate documentation throughout project (rec 17)
- Platform for increasing the value of architectural services



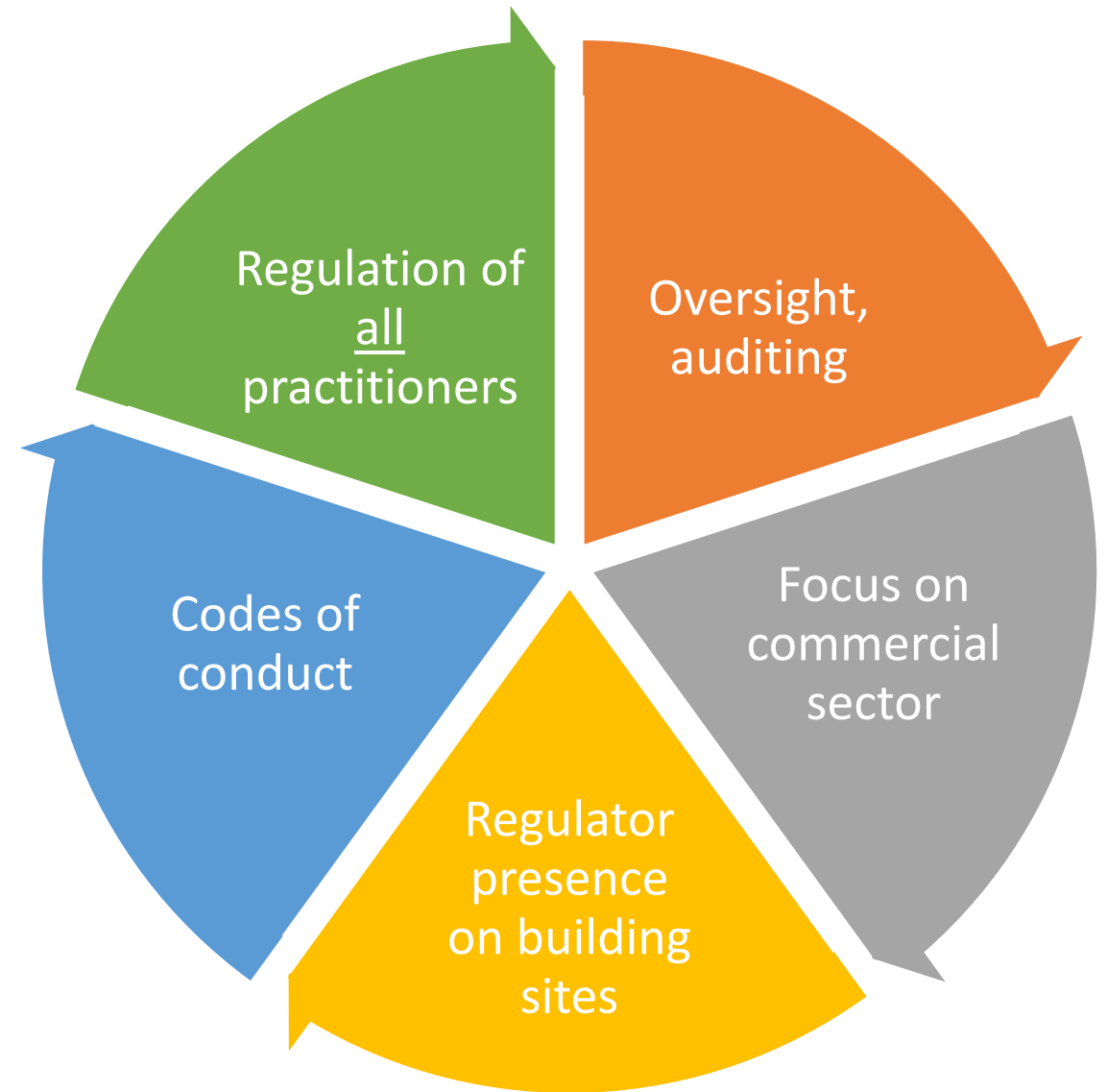
Lifting professionalism

- Harmonised registration schemes (recs 1 & 2)
- Opportunity for co-regulation
- Call for Professional Standards Schemes
- What does it mean to be a profession?
 - Public interest focus
 - Upholding reputation of profession
 - Defining and promoting best practice
 - Ethical governance





Improving regulatory effectiveness



Mascot Towers residents to receive emergency accommodation funding from NSW Government

By Jean Kennedy
Posted Sun at 2:28pm



Inconsistency on cladding? Blame the states, Industry Minister says



Michael Bleby
Senior Reporter

'It hasn't worked': Premier admits Sydney's building industry is failing

By Jacob Saulwick, Megan Gorrey and Lisa Visentin
July 10, 2019 — 6:31pm

Politics

Inquiry building qu

Premier Gladys Berejiklian says the system of regulation in the building industry is not working, after the *Herald* revealed the evacuation of a third apartment building in Sydney.

As the state opposition called for an immediate response to the growing number of building defects emerging in the city, Ms Berejiklian said she wanted to "assure the community that we know there's a problem."

PI pullout chips away at building industry's foundations

24 June 2019



15 July 2019

Industry groups call for urgent Austr building regulation

NATIONAL NSW DEVELOPMENT OUTRAGE

'It hasn't worked': Premier adr industry is failing

By Jacob Saulwick, Megan Gorrey and Lisa Visentin
July 10, 2019 — 6.31pm



216 View all comments

Premier Gladys Berejiklian says the sy: after the Herald revealed the evacuatic

As the state opposition called for an in defects emerging in the city, Ms Bereji know there's a problem."

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THE WEEKEND AUSTRALIAN

Sunday, July 21, 2019 | Today's Paper

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Cladding debacle: Josh Frydenberg dismisses Victoria's call for help on \$600m bill

By RACHEL BAXENDALE
VICTORIAN POLITICAL
REPORTER
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JULY 18 2019 - 10:24AM

Minister s

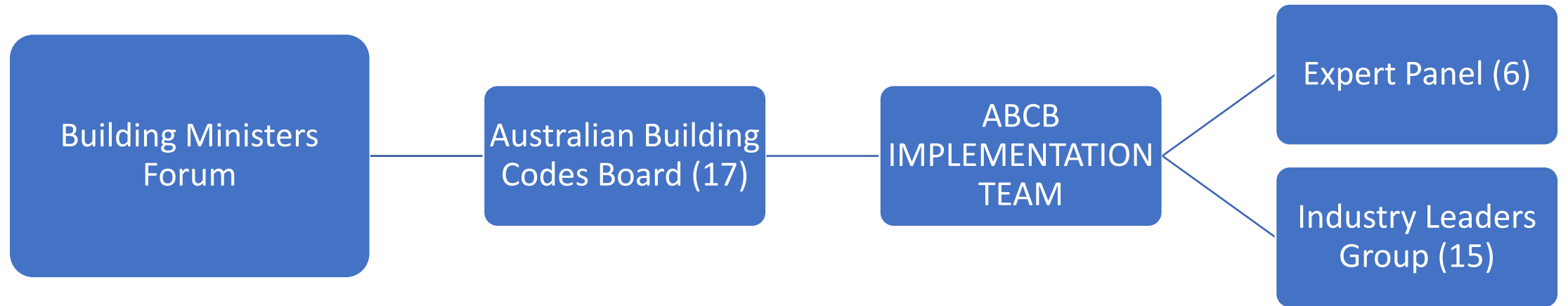
Daniel McCulloch



Ministers fiddle while buildings crack and burn

July 19, 2019 3:38pm AEST

Commitment to implementation of the BCR



<https://www.abcb.gov.au/Initiatives/All/building-confidence-report-implementation-team>
<https://www.industry.gov.au/sites/default/files/building-ministers-forum-communique-december-2019.pdf>



ABCB BCR Implementation Team

- **Documenting performance solutions**
- **Development of CPD content**
- **Model code of conduct for building surveyors (Rec 10)**
- **National Registration Framework (Rec 1&2)**
- **Survey on audit reporting by regulators (Rec 7)**
- **Building Product Safety framework (Rec 21)**
- **National specification for the content of building manuals (Rec 20)**
- **National data-sharing framework (Rec 12)**





New South Wales

Design Building Practitioners Act 2020

- Declared designs – by registered ‘designers’
 - Regulated designs
 - Performance solutions
 - Variations to ‘building elements’
- Declared as built drawings – by ‘builder’
- Lodgement of ‘declared’ documents in electronic portal



New South Wales

Design Building Practitioners Act - Part 3 - Duty of Care – section 31

- (1) A person who carries out **construction work** has a duty to exercise reasonable care to avoid economic loss caused by defects—
- (a) in or related to a building for which the work is done, and
 - (b) arising from the construction work.
- Duty is owed to owners and subsequent owners of class 1, 2, 3 and 10 buildings
 - **Construction work** includes building work, preparation of ‘regulated’ design and the supply and manufacture of building products
 - Part 2 of Sched 1- Applies to construction work carried out before the commencement of the new provisions:
 - But not if a proceeding already commenced against any person
 - loss apparent within past 6 years
 - But not if date of completion of work >10 years ago



New South Wales

- *Residential Apartment Buildings (Enforcement Powers) Act*
 - Existing buildings and building sites
 - Prevent issuing of Occupation Certificate
- Parliamentary Inquiries
 - Regulation of buildings standards, building quality and disputes
 - *Professional Engineers Bill*
- 2017 reforms to laws on certifiers commenced 1 July 2020
- Future plans - 6 pillars – legislation & regulation, risk ratings, education overhaul, procurement, digitisation, research

<https://www.customerservice.nsw.gov.au/about-us/media-releases/ministerial-releases/plans-unveiled-for-the-future-of-building-and-construction>





Victoria

- Cladding rectification funding - \$600m
- Cladding Safety Victoria
- Legislative reforms – cladding related powers, trades registration, swimming pools
- New State Building Surveyor appointed – Andrew Cialini
- Inspecting sites for 10% of building permits, audits of building surveyors
- Expert panel to lead comprehensive review of Vic building system (11 Dec)



Queensland

- Queensland Building Plan - 2017

https://www.hpw.qld.gov.au/data/assets/pdf_file/0024/4839/qldbbuildingplan.pdf

- Building Industry Fairness – security of payment, project bank accounts
- Reforms to Building Act - certifiers
- Supply chain laws since 2017 – 300 complaints to NCBP unit

<https://www.qbcc.qld.gov.au/media-releases/false-claims-fire-testing-reports-frequent-focus-specialist-unit>



Western Australia

- Consultation Regulatory Impact Statements
 - Single residential buildings – private certification (closed Dec 19)
 - Approvals process for commercial buildings (open till April 20)
 - Registration issues (under development)
- Reforms to Security of Payment laws



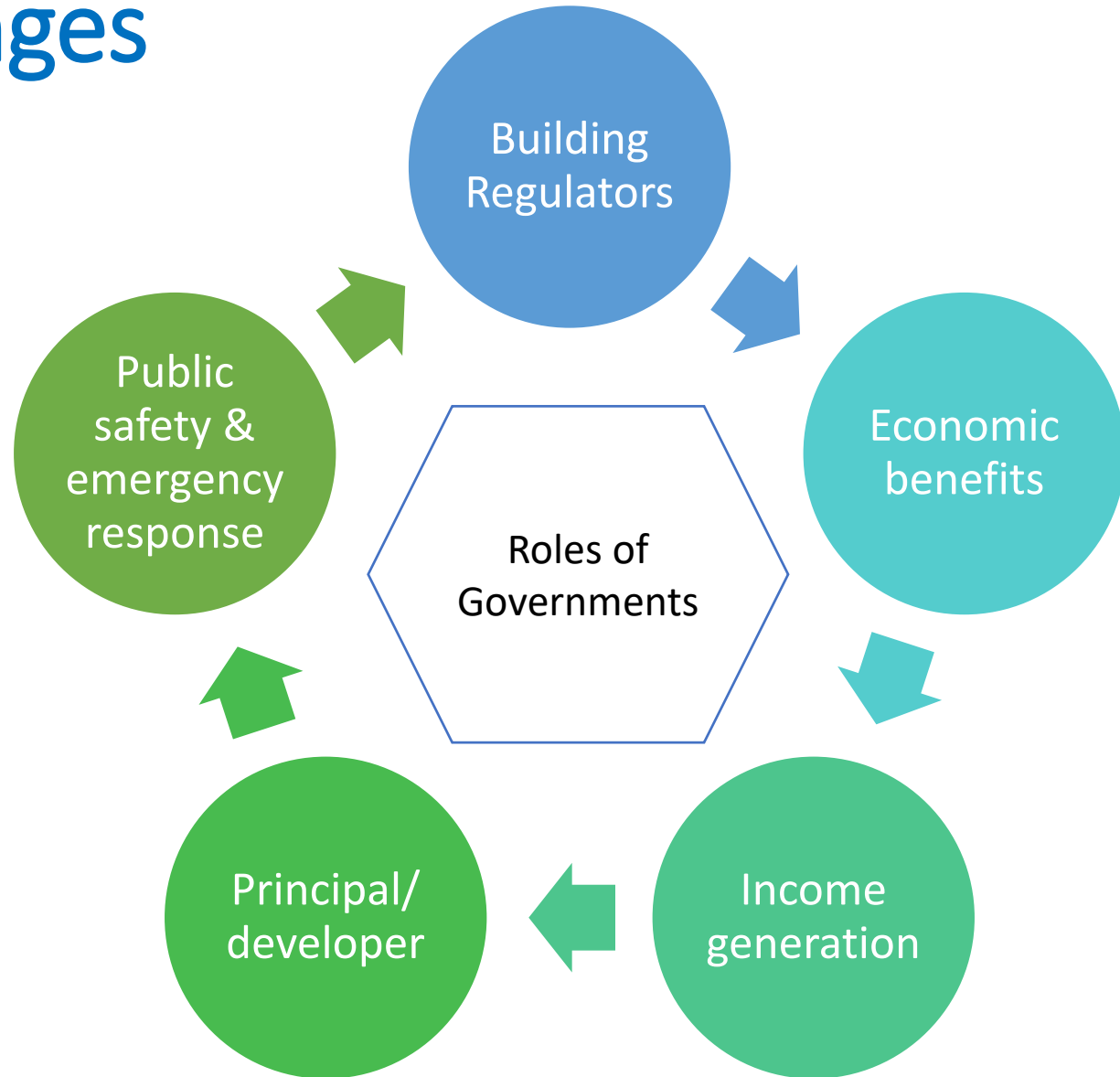


Australian Capital Territory

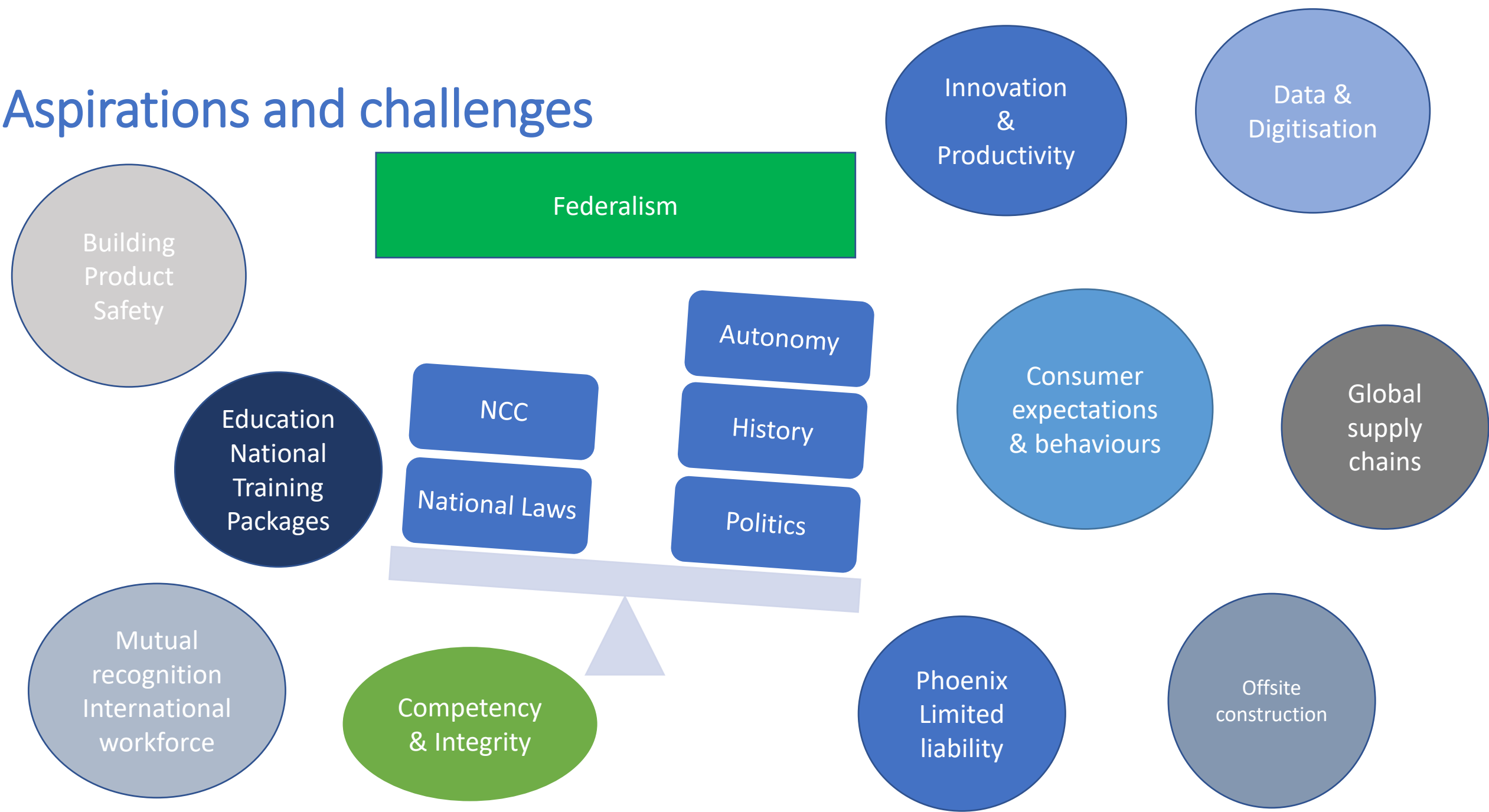
- Parliamentary Inquiry into building quality (2018-2020)
- Director liability, new regulatory powers, increased obligations on certifiers - *Building and Construction Legislation Act 2019* (Nov)



Aspirations & Challenges



Aspirations and challenges



Relationship with government – role of industry

- Consultation – governments need industry to help them understand how to reform and regulate
- Co-regulation – professional & ethical conduct, accreditation schemes, CPD delivery
- Accountability – is government doing what it says it has/will?



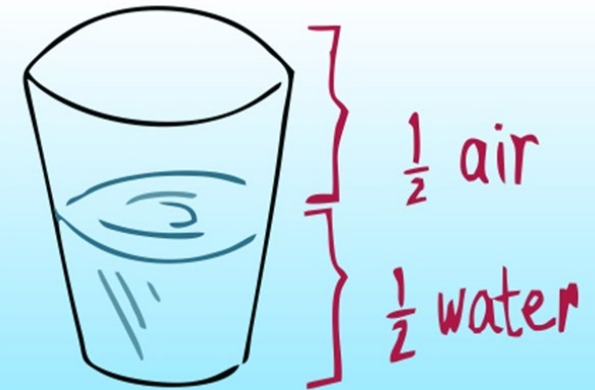


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TECHNICALLY,
THE GLASS IS ALWAYS
FULL