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## **Re: The Residential Building (Miscellaneous Consumer Protection Amendments) Act 2023 – Approved Forms and Fact Sheets**

Dear Brendon,

The Tasmanian Chapter of the Australian Institute of Architects (the Institute) would like to thank you for the opportunity to provide feedback on *The Residential Building (Miscellaneous Consumer Protection Amendments) Act 2023 – Approved Forms and Fact Sheets*.

The Institute understands the need for these updates and is supportive of moves to ensure consumer protection. The Institute has the following comments and questions.

### **CBOS Mediation Fact Sheet information for public (Residential Building Work disputes)**

1. The Institute questions whether this should mention situations when an architect is administering a contract in the preliminary steps before contacting the Director of Building Control at CBOS about mediation. E.g. Page 2 – *Should I raise my concerns with the other party first?* E.g. “If you have engaged an

architect to administer the contract and the project is has not reached practical completion, or the end of defects liability period established under the contract, then speak to your architect first”. The Institute suggests an additional dot point be added before the “talk about it with the other party”. The Institute suggests the following wording: “Clarify the technical and contractual requirements.”

2. While mediation is “voluntary” it appears to be a requirement before proceeding to TasCAT. The mediators come from a panel. The rates should be capped and published under such arrangements. This guide should provide some indication as to approximate costs.
3. Page 2: “What is mediation” and “why mediate” does not articulate that the role of mediation is only concerned with assisting the parties to reach a settlement. i.e. it is not based on rights.
4. How is mediation process started (page 5): It may be relevant to note that prior a dispute taking place under the Residential Building Work Contracts and Dispute Resolution Act, there may be a contractual dispute that takes place between the parties. Where repeated attempts to settle the contractual dispute fail, then the statutory dispute process pathway is available. Page 8 “what do I need to prepare or bring to mediation”: The Institute notes that none of these points address the issue of technical validity of the dispute – i.e. clarifying technical and design requirements.

### **Certificate of Final Inspection - Building Work - Form 12 revised 2024**

The Institute is pleased to see the additions of Waterproofing of wet areas and Penetrations of fire rated structures to the inspections regime. The Institute notes that systems of insulation is also required.

### **Certificate of Likely Compliance - Building Work - Form 11A revised 2024**

Again, the Institute is pleased to see the additions of Waterproofing of wet areas and Penetrations of fire rated structures to the inspections regime. The Institute notes that systems of insulation is also required.

### **Certificate of Substantial Compliance - Building Work - Form 17 revised 2024**

Once again, the Institute is pleased to see the additions of Waterproofing of wet areas and Penetrations of fire rated structures to the inspections regime. The Institute notes that systems of insulation is also required.

The Institute will alert members to the new *Defective Building Work Order - Building Surveyor - Form 16*, as well as the *General Information - Residential Building Consumer Protections Amendments Act 2023* document and would appreciate CBOS letting the Institute know when these become publicly available.

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,



**Daniel Lane**  
President, Tasmanian Chapter  
Australian Institute of Architects



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

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](http://www.architecture.com.au).