



BUILDING PLAN APPROVALS
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Submission Lodged By Email

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**Submission to the Transport, Housing and Local Government
Committee Inquiry into the- Operation and Performance of the
Queensland Building Services Authority.**

21 September 2012

The Research Director
Transport, Housing and Local Government Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Sir/Madam,

Brisbane Certification Group is a company comprising QBSA Licensed Private Certifiers providing Private Certification services to the residential and commercial building sectors in Queensland. It was noted with interest in the written presentation of the Public Briefing held 27 August 2012 some members of the committee, and some of presenters, at that briefing appeared to hold a view that many of the issues raised could be held to be as a result of the actions of Private Certifiers. For this reason we feel compelled to provide this submission relating to a number of the terms of reference for this inquiry.

In the provision of Private Certification services our organisation experiences issues that may help the committee inquiry into operation and performance of the Queensland Building Services Authority (BSA). While we have some empathy for the BSA it would appear that at times the BSA becomes a victim of its own promotion i.e. promotion of its role/services as the protector of consumers when of course it is not always possible to meet all consumers expectations. We would like to provide the following brief comments in relation to the following terms of reference.

- 1. Whether the performance of the QBSA achieves a balance between the interests of building contractors and consumers.*

Consumers and Local Authorities are able to lodge complaints regarding the performance of Private Certifier's with the BSA. We are not disputing that there should be an avenue for such actions but there is an inordinate amount of non-recoverable cost and time lost by Certifier's responding to demands by QBSA to respond to what quite often amount to frivolous or vexatious

complaints. This is at times the result of a home owner feeling aggrieved in that the Certifier will not issue a final clearance on their dwelling because of issues remaining non-compliant with relevant building legislation due to non-compliant construction performed by the contractors. Once a complaint is lodged and the QBSA decide to investigate they will look at all aspects of the involvement of the Certifier i.e. not just at the issue that was the basis of the original complaint.

It was noted that in some of the presentations to the briefing that the presenters held the view that certain problems would not have occurred had the Certifier did their job, however, reading further it would appear that these jobs may well not have had an approval issued by a Certifier prior to the contractors commencing work, if at all. We are often contacted by homeowners seeking 'retrospective approvals' because no approval was obtained at the time of undertaking the works. In other situations Certifier's are asked to issue statutory inspection clearances when it is clear work does not comply even though the responsible contractor has provided installation certificates stating they carried out the installation and it complies with the relevant legislation. When referred to the BSA the response is 'you're the Certifier...if it is not correct then do not pass it', Disputes escalate where reactive rather than proactive action is undertaken.

2. *Whether the QBSA could make further changes in order to reduce regulations to lower the cost of building a home.*

The majority of regulations administered by Private Certifiers are developed under a political landscape and therefore it is difficult for us to comment in this respect. However, it is noted that the legislation has become considerably voluminous over the years since the advent of Private Certification in 1998. Changes often appear to be as a 'blanket' response brought about by the actions of a few turning the whole process of Private Certification into a highly litigious profession, ultimately the consumer of private certification services pays in cost and processing time delays. Some panellists at the briefing asked presenters if they believed the problems would be less if Council's were more involved in providing certification. We doubt that Council's would remotely want to undertake such services under the same legislative landscape covering Private Certifiers.

3. *The effectiveness of the QBSA to provide remedies for defective building work and to provide support, education and advice for both those who undertake building work and consumers.*

Ongoing industry education is a bug bear of ours due to the obvious lack of understanding of sometimes even the most basic requirements of the building legislation and construction standards by those providing design and construction services to the consumer. Private Certifiers are subject to accreditation by an accrediting body which includes a yearly fee and the audited proof of undertaking Continual Professional Development in order to maintain accreditation as one of the requirements for licensing (including another fee) by the BSA. The industry has evolved into a much more complex

industry to that which existed even as little as 10 years ago. We cannot see why there is no ongoing requirement for other QBSA licensed contractors to also continue to undertake professional development.

4. *The governance arrangements of and between the board and general manager.*

This is outside our considerations.

5. *The effectiveness of the Queensland Home Warranty Scheme and its protections.*

It appears clear that most consumers do not understand that the Home Warranty Scheme is a 'limited' scheme. Again this reflects on the QBSAs ability to educate the consumer, the message that the consumer hears is that they are protected by the QBSA and the Warranty Scheme for all possible eventualities. Owner builders, with their own inherent problems, are required to undertake a course before being granted a license as an 'owner builder' and being able to undertake a project. The QBSA should look at making available a publication that explains the Warranty Scheme and making it mandatory that the consumer is given a copy of it during contract negotiations for a new home/renovation build or sale of a new home.

6. *Whether the current licensing requirements of the QBSA are adequate and that there is sufficient auditing processes to maintain proper standards.*

At the risk of repeating ourselves we would refer the reader to our responses in items 1, 2 and 3 above. Certainly, from our point of view their needs to be more checks on the technical competency of contractors. Private certifiers are subject to rolling audits by the QBSA, are other contractors?

7. *The number of trades licensed by the QBSA and whether industry groups could take a greater role within QBSA in terms of licensing standards and procedures for their members.*

Recently a raft of Fire Occupational licenses were introduced by the QBSA but it appears that little follow-up then occurs to ensure that people carrying out work in that field actually obtain the correct license. It is left up to the Certifier but by the time we are involved the result is cost and delay to the consumer due to us requiring a correctly licensed contractor carry-out and certify work undertaken. Again it is reactive rather than proactive.

8. *Examine opportunities for reform of the Authority with a view to enhanced assistance for both industry and consumers.*

Other consumer related groups are in a better position to comment in respect of this issue.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Rod Retell', written in a cursive style.

Rod Retell
Director
BRISBANE CERTIFICATION GROUP