

A submission about the Operation and Performance of the Queensland Building Services Authority

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Introduction

The BSA is generally an efficient and one of the best Building control bodies in Australia. BSA is generally said to favour the builder in the consumer opinion and vice versa for the builder. The public believe the BSA is for only administering consumer compliant and that BSA act only for the consumer.

The BSA need to inform the consumer more of the BSA role and that the consumer part in the building is only a part of the process. The one major failing that greatly harm the reputation of the contractor and the BSA is that the contractors are not required to be current and up to date as a building professional. The continued lobbying of the industry bodies to prevent the compulsory requirement of contractors to up skill by way of (CPD) damages the industry and allows outdated practices to flourish until a dispute occurs.

Information supplied by BSA

The operation of the Building Services Authority has been generally supportive and appropriate to the needs of contractors in regard to the provision of training. Their effort is highly commendable and should be developed and encouraged. Unfortunately the majority contractors do not avail themselves of the training. Unlike the certifiers that compulsorily have to undertake training at their own cost to achieve a maximum of 90 hours every three years to maintain their licences. The BSA also provides training for owners as well, which is very informative. The BSA web site has many useful resources for industry and consumer to access. Great Work!

Supershows.

The industry training given in the super shows have been excellent and the other literature has been very useful. These have helped the certifiers and contractors that attended these shows a better understanding. The people that attended usually demonstrate a better understanding of the new regulations, standards and work practices required of them. The literature has been useful to show the contractor and owner what is required. This provides more openness to clients.

Speaking as a builder and as a certifier, these shows are providing great knowledge to supply the best products and most up to date advice to my clients. The drawback was that the less informed competitors failed to follow the industry requirements and take shortcuts. This non competitive advantage allows these less informed competitors to short change the public. The only times these contractors are called to account is if there is a defect raised by an owner and investigated within the requisite defects time set down by the BSA. This is usually after the building is completed and less likely to be rectified easily. The owner wants and demands that the BSA fix the work. The BSA should be able to investigate and order rectifications during the construction process which will perhaps stop the compliant reaching the height where the consumer expectation will never be satisfied.

Lack of compulsory training to all contractors

Certifiers have to inspect the buildings at designated stages. This leaves many parts not inspected during the construction. If there is no inspection then the ones supervising the contractor must be current and aware of the latest and best practices of the industry. The contracting participants need to be fully up to date with the legislation. My experience as a certifier is that the contractors I see attending the BSA training provided are usually better contractors and are up to date with the regulations and changes. They usually were implementing the changes before the need to correct poorly performed work.

The variable nature of advances in technologies, new materials and assemblies in building creates problems with expectation of the consumers. They expect that their builder/contractor will be able to install the system correctly. The consumers are much more informed these days than many of the contractors. The consumer then is in conflict with Builder. Usually the consumer has no satisfaction with the contractor and then looks for the certifier. The consumer wrongly believes the certifier is in responsible for the whole building process. The owners expect that the certifier will correct the matter over which he has no control. Often the certifier may be able to solve the problem but it is not their role. If the contractors are required to be up to date then many of these issues would not arise.

Continuing Profession Develop (CPD)

My certifier license in Qld required me to be current with legislation new products, standards and Planning schemes. I had to satisfy to BSA that my Continuing Profession Develop (CPD) was achieved before my license was renewed. This is to ensure that the certifier is up to date with his certifier's legal obligations. Some of

which may be covered in the Contractors super shows. Speaking as a certifier I was responsible to ensure that many contractors complied with regulations. Many of these they should have known but had not bothered to keep up to date or attend training shows.. In short the contractor should be made to undertake compulsory CPD training as part of their license requirement to ensure that the consumer is getting as close as possible to the best industry practices utilised in their construction. The current situation is that the ever over worked certifiers are left to update the contractor at their expense and time.

The contractors attending the BSA training are much better to deal with and generally achieve higher levels of compliance and better tradesman like finishes. The current informed contractors are at a disadvantage by those not attending and not complying fully with the regulations and not meeting the lawful requirements.

Dispute management during construction

There is no clearly definable dispute management process during construction adequate to resolve matters detected that are minor but escalates into a major incidence if not attended. The consumer matter turns into a major dispute and contractual nightmare if the matter is not addressed to the consumer satisfaction at this earlier point. I have witnessed instances where the consumer has then caused the breakdown of the contract during construction, requiring the BSA to finish the construction.

The BSA cannot generally get involved during the construction as matters are contractual. It would be good if there was a process that allows an easy intervention when a defect was detected or perceived defect or noncompliance with the regulations/NCC/BCA was capable of being instigated. Other state jurisdiction, the insurance underwriter of the Act insurance/fidelity fund allows a monitoring process. The inspection may either cause the builder to fix problem or face higher insurance fees. This reduces the claims to their insurance fund. This would assist in diminishing the number of disputes and disgruntled consumers.

Dispute management after construction

There needs to be a balance in the approach by the regulators. The consumer is not always correct and justified in their complaints. They must be an allowance that the consumer is often wrong. Most investigations I have witnessed the finding that the decision is a balanced and fair by the investigating officers. These BSA inspectors have considered all the facts and have a good regard to the natural justice process with a high degree of fairness. In some cases I have witnessed where the contractor will be asked to repair defects that are not confirmed as defects by the BSA but the contractor will generally fix the matter in favour of the consumer. It is important that when the consumers' are unhappy that they cannot seek a political fix to minister to back door the process if the consumer is unhappy with the umpire's decision.

However the BSA has moved the focus from judicial fair for both parties in regard to disputes and defects. The contractor dispute and defect process is more in favour of the consumer. The building process is so complex to all the participants and to achieve a 100% compliance is unrealistic and not achievable. There is no apparent representation of the overall complexity and the difficult nature of the consumer expectations. The consumer law on most manufactured products are clear and defined.

Summary

The introduction of CPD to contractors will assist the building industry and meet the higher demands of the consumers.

An early intervention process will reduce the complaints and the disillusionment of the consumer if problems are addressed earlier in the building process.

With sincere wishes for the improvement of the building industry

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