

thomas
independent
certification



all correspondence po box 328, mermaid beach qld 4218
p: (07) 5562 1111 e: mail@thomas-tic.com.au www.thomas-tic.com.au

thomas management design pty ltd
acn 010 706 573 abn 58 010 706 573 qbcc accreditation keith r. thomas A81037 qbcc accreditation sandra j. sear A15010430

Committee Secretary
Transport and Public Works Committee
Parliament House
George Street
Brisbane Qld 4000

Building Industry Fairness (Security of Payment) and Other Legislation Amendment Bill 2020

I refer to the above Bill and provide the following comments;

- Part 3 Project Bank Account
Documentation generally acceptable particularly with the inclusion of the design consultants where building work includes preparation of design and documents.
- Chapter 3 Progress Payments
Documentation acceptable except the chapter should relate to building work as defined in Chapter 2 Clause 8.
- Amendment of Building Act
 - May not need Clause 49 & 50 as generally no building certifiers (Class B).
 - Clause 37 (5) – the new provision allows for retrospective legislation which is not supported. New Clause should not be inserted.
 - Clause 40 – again the amendment allows retrospective legislation which is not supported. The increase in construction cost to conform to new legislation for the whole building when only minor alterations proposed cannot be supported (e.g. sprinkler protection of high rise apartments). New clause should not be inserted.
 - Clause 44 – 143B – to create a situation where the owner requires additional inspection functions is not supported. The building certifier cannot be used as a “clerk of works” for a project making decisions on standard of workmanship of the builder. The building certifier has the power in the conditions of approval to require special inspections to confirm compliance as determined by the building certifier not the owner (e.g. fire wall inspection). Note the definition of certifying function is so broad that all requirements of the standard of construction of the building can be included. The section should not be included
 - Clause 46 – supported. See general comment that the licensing and issues of responsibility of building certifier be as documented for the architects and engineers in the Architects Act and Professional Engineers Act

- Chapter 6 Part 3 Licensing of Building Certifiers
Clause 151 to 214
The building certifier is a professional and should be considered similar to the architect and engineer. The use of demerit points, and control of the building certifier like a contractor is not appropriate.
The whole of Part 3 of Chapter 6 should be amended to include the provisions similar in the Architects Act and Professional Engineers Act.
- Clause 59 Certificate of Occupancy
Section 102 to 114 of the Act refer to a Certificate of Classification. To change the terminology to Certificate of Occupancy is supported. Certificate of Occupancy should replace the term Certificate of Classification in the Act



KEITH R. THOMAS
B.E., M.I.E. [AUST], F.A.M.A.I.B.S.