

# An update from the BPB

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Thank you for inviting me to talk to you today about work the Board is undertaking. I'm really pleased to be here. We are at a critical juncture for the planning system and for certification.

## Introduction

- 2012/13 has seen significant reviews of the NSW planning and building certification systems
- Unprecedented consultation
- White Paper recently released
- What does this mean for the building certification system and those who administer it?



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## **The work that led to the White Paper**

- The Board's Better Buildings Model consultation
- Extensive consultation undertaken as part of the NSW Planning Review 2012
- Fire Protection Systems Working Party Final Report
- NSW Building Regulation Working Party
- The Board made a number of submissions to the Planning Review to report on our direct consultation



- Consultation statewide during 2012:
  - metro and regional sessions with stakeholders – valuable information obtained about issues with certification and building outcomes
  - one-on-one meetings with peak organisations about the outcomes of the sessions
  - online surveys about key issues
  - testing of the Better Buildings Model with peak organisations to refine it for the White Paper

## Consultation on the White Paper

Board and Department will test the workability of proposals by:

- seeking input to develop and test details
- seeking general and technical comment
- developing surveys
- holding information sessions.



Dedicated chapter: building regulation and certification includes features from the Board's Better Building Model

Keep yourself up to date via the Board's website and the Department's [dedicated webpage](#).

## Highlights of the White Paper

- dedicated chapter on building regulation and certification sets out proposals for better and safer buildings in NSW (chapter 8)
- includes features from the Board's *Better Building Model* and initiatives of the NSW Government's Fire Protection Systems Working Party.



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The work in Chapter 8 is a collaboration between the Board and the Building Systems Unit in the Department of Planning and Infrastructure, which has been working on the Government's response to the Fire Protection Systems Working Party report.

The Exposure Planning Bill contains key provisions that set out some of the changes in the White Paper.

## Highlights of the White Paper

- improves transparency in the building regulation and certification system
- refocuses planning approvals on planning matters
- introduces consistent consent conditions across NSW

(... cont...)



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Transparency throughout the entire building and construction lifecycle: from design through construction to ongoing management and use

Focusing on planning matters means we can leave building issues to the construction certification stage.

**Consistent consent conditions have been called for for some time – this came through very clearly in our consultation last year.** This will make it easier for certifiers to ensure compliance.

## Highlights of the White Paper

- brings in clearer information requirements for building work applications
- combines certifying authority and principal certifying authority roles
- allows accreditation of a wider range of professionals and practitioners

(... cont...)



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Better linking what happens at the building stage with what's required at the certification stage.

Combining roles means the one 'building certifier' certifies 'building work'.

The Board will accredit a wider range of professionals – such as A B C = to undertake mandatory certification of critical aspects of building work.

## Highlights of the White Paper

- improves mandatory inspections
- increases support for complex building elements
- introduces a building manual
- clarifies roles for all parties
- standardises liability for certifiers



Better mandatory inspections during the construction stage will cover work that is often the subject of defect complaints.

Increased support will help building certifiers to make decisions relating to alternative solutions, fire systems and other complex building elements. This is expected to include peer review in certain circumstances.

Building manual - a single key building information source - will guide ongoing building performance management and compliance.

Clear roles and responsibilities will be specified for all parties, including certifiers and councils, in building regulation and certification. There has long been a call to define the role of the PCA.

Liability for certifiers in relation to residential building work will be consistent with that under the *Home Building Act 1989* (six years instead of 10 years).



## **What this all means for the certification system?**

- increased community confidence
- less defects and rectification costs
- increased reliance on specialist skills
- more accountability
- better support for decision-making.

The White Paper proposals will:

- increase community confidence in building outcomes and the built environment
- ensure essential building services and features are always in working order
- reduce building defects and rectification costs through the better design, installation, commissioning and performance of essential building elements and systems
- increase reliance on specialist skills to certify aspects of building work
- make practitioners accountable for the work they do and clarify their responsibilities
- help to provide information, education and other tools to support certifiers to apply consistent and appropriate decision-making.

## **Other updates from the Board**

- CPD and Code of Conduct consultation
- Recent legislative changes (EP&A Amendment Act)
- The certification system in 2011-12

These are expanded in the following slides.

## CPD and Code of Conduct

- Revised CPD program to:
  - standardise CPD requirements for **all** accredited certifiers to 15 hours a year
  - increase pool of Board-recognised CPD providers
  - allow direct reporting of CPD to the Board
  - provide a list of Board-endorsed CPD topics to certifiers.



This will standardise CPD requirements for all certifiers – council and private.

The revised program will require 15 hours of formal training for certifiers. Training should involve some type of assessment of the skills or knowledge covered in the training.

More CPD providers = maximise delivery options across NSW

Direct reporting = in the future, certifiers can upload their report about CPD directly into our IT system. Currently they make arrangements through peak bodies.

This is a more flexible, targeted and responsive CPD program

The CPD program consultation closed in April.

## **CPD and Code of Conduct**

- CPD delivery
  - providers must provide flexible delivery across NSW through:
    - online courses
    - webinars
    - on-the-job and network models



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The on-the-job models: will be similar to those councils in NSW have in place that meet the Board's criteria for endorsement as a CPD provider

The Board recently put out a call for Eols for a new course

*"Complying development certificates: managing the challenges in determining and issuing CDCs".*

## **CPD and Code of Conduct**

- Revised Code of Conduct
  - aligns with the proposed Australasian Building Certification Forum national Code of Conduct
  - will assist certifiers who work across NSW boundaries
  - on exhibition until 21 May.

The Australasian Building Certification Forum is the national body of building certification regulators that meets regularly to discuss common issues with certification across Australia and New Zealand.

## EP&A Amendment Act

- Changes in most cases mandate good practices already in place, such as:
  - written contracts
  - ensuring OCs are only issued when design and construction matches development consent/CDC
  - widening who can issue compliance certificates



### Written contracts

- require an accredited certifier to have a written contract with the applicant in order to carry out any certification work
- the regulation specifies the matters to be included in a written contract
- the Board has released template contracts councils, certifiers and other employers can use or adapt. They are not compulsory but will help you ensure you include everything the regulation requires
- the new requirements were introduced in direct response to issues raised by certifiers. The requirements ensure:

- the applicant chooses their own certifying authority
- the applicant has direct contact with the certifier rather than just through the builder
- the applicant is aware of the services the certifying authority is to carry out, and the identity of the person who will be carrying out the certification work
- the certifier gives all necessary information directly to the applicant and before any work is undertaken
- the certifier is paid upfront (this avoids the threat of non-payment of certification fees in order to influence the outcome or timing of a certificate).

### Compliance cost notices

- councils have been able to recover certain enforcement costs for some time, relating to the issue of an order
- these powers have been expanded so councils can recover the costs and expenses relating to:
  - an investigation that leads to issuing the order, up to \$1,000

## **The building certification system in NSW**

**2011-12 local development monitoring found:**

- **Councils issued 52% (25,385) and private certifiers 48% (23,596) of CCs**
- **Councils issued 25,557 (52%) and private certifiers issued 23,291 (48%) of OCs.**
- **Private certifiers determined \$1.7 bn of CDCs**
- **Councils determined 30% and private certifiers 70% of CDC applications**
- **Councils issued 5,088 CDCs and private certifiers issued 11,988 CDCs.**



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## **The Board's activities**

- The Board accredits 1,444 certifiers:
  - 921 council accredited certifiers
  - 523 private accredited certifiers
- The Board has undertaken
  - 20 advisory reviews this calendar year
  - 17 complaint investigations this calendar year



As of 29 April 2013, the numbers in A1, A2, A3 and A4 categories are:

A1 - 645 certifiers

A2 - 290 certifiers

A3 - 195 certifiers

A4 - 151 certifiers



## Board achievements

- one system for accredited certifiers
- reduced turnaround times for discipline and accreditation matters
- clear discipline and penalty guideline
- advocacy with education providers
- State-wide advisory reviews
- extensive consultation on key proposals
- legislative improvements to certification
- *Better Buildings Model* for a new system
- regular practice advice



Sue – this is where you could announce your departure, but I won't write it up on the powerpoint.

Go through the issues as discussed via email.

*the Board has achieved significant outcomes over its time in office. We now have one system of accredited certifiers covering both the local government and private sector surveyors; we have significantly reduced the turnaround times of dealing with discipline and accreditation matters; we have a publicly available and clear discipline and penalty guideline; we have several university degrees available in NSW as a result of our advocacy; we have improved the professional development program and the availability of courses; we have started a bi-weekly bulletin to keep the certifiers up to date with legislation and good practice; we commenced a random audit program for the first time; we have addressed issues relating to the insurance scheme for the certification system; the fee structure for the Board itself; consulted widely and regularly on how to constantly improve the certification system. We have developed a policy suite of legislative improvements necessary to make the building system truly effective.*

*Can also say here about the ongoing challenges the Board and/or the certification system will face:*

- \* private certification issues (reputation still poor, poor operators)
- \* White Paper implementation (bringing new professions into the system, helping practitioners and local govt with new requirements etc)
- \* age of certification industry)
- \* numbers of certifiers (ensuring there are sufficient certifiers to carry out existing and