

ACRA RESPONSE

Building Bill 2023 – Licensing Proposals

Answer Sheet

June 2023



1.1 How to complete this Answer Sheet

This answer sheet should be read in conjunction with the Building Bill 2023 – Licensing Proposals – June 2023 paper.

Questions from the paper are reproduced here in a format that is simple to fill in. The item numbers above the questions indicate where you can find related content in the paper.

Please enter your responses into the spaces provided. You are welcome to provide attachments to accompany your responses.

Please return your completed answer sheet to the Department via email to hbareview@customerservice.nsw.gov.au by close of business, Friday 11 August 2023.

The Department is also seeking expressions of interest from industry stakeholders to participate in an industry reference group to develop the new iteration of mechanical services licensing. If you would like to join the industry reference group, please email hbareview@customerservice.nsw.gov.au

1.2 Answer Sheet

Work for deregulation

3.2.1.8

Q6: Do you support the proposals to deregulate certain work listed in Table 5? Why / why not?

Yes, except for the following:

Minor trade work – Solid Fuel heater installation. This should remain a Licenced trade given the potential life-threatening consequences of poor installation, allowed under either the Mechanical service or Plumbing trades.

Fencing – should remain licenced as the consequences of defective work will often affect more than one party, resulting in unnecessary disputes between neighbours.

Swimming pool repairs and servicing – should remain licenced since the consequences of failed repairs could include undermining adjacent structures.

Q7: Should any other types of work be considered for deregulation?

No.

Newly proposed builder licences

3.3.1.5

Q8: Do you support the proposed approach to builder licence classes? Why / why not?

ACRA is supportive in principle of the proposed licence classes and can see the long-term benefit in raising standards across the industry.

Based on the following types of work, remedial building work can be considered as b) and c) ONLY.

- (a) the construction of a building, or
- (b) the making of alterations or additions to a building, or
- (c) the repairing, renovation, decoration or protective treatment of a building

By way of clarification, remedial building work can be completed to a whole building or only part of a building. The works may be internal or external or both. Remedial works may be undertaken on the ground floor or level 50+. The remedial works may also involve one trade or multiple trades.

We note that “Builder A” appears to be the most applicable to remedial building work; however, a license class of Builder A also pertains to what would be considered the highest level of attainment, being a license to construct a high-rise building. The corresponding ‘education and competency’ requirements may not be suitable for Practitioners undertaking remedial building work.

How will the licencing system differentiate between those who are experienced to do b) and c) ONLY [ie remedial building work] under any one of the four proposed licence categories?

ACRA is concerned that the combining of: (a) the construction of a building, (b) the making of alterations or additions to a building, and (c) the repairing, renovation, decoration, or protective treatment of a building into one license type is too broad. Each type of work (a, b, c) requires very different skill sets to accomplish successfully.

Q9: Do you support the indicative knowledge and experience requirements proposed for each builder licence class?

Again, the nuances of the remedial industry need to be considered carefully. Whilst tertiary qualifications are of benefit/required in certain industries, there are limited tertiary education opportunities specifically in the remedial sector and expertise is typically developed over time in the industry, supported by VET qualifications rather than through the tertiary sector.

Pre-purchase building inspectors

3.3.3.3

Q10: Is an endorsement approach appropriate for licence holders who wish to become pre-purchase building inspectors? Why / why not?

Yes, as endorsement by appropriate associations/bodies (such as Engineer’ Australia, RAIA) should raise the standard of pre-purchase inspectors.

Q11: Do you agree with the proposal to limit eligibility for this endorsement to persons licenced as builders, engineers, architects, and design building practitioners?

Yes.

If not, which other licence holders should be eligible for this endorsement?

Q12: Do you think it is necessary to separate pre-purchase building inspections into areas of inspectors’ expertise such as electrical, plumbing, or pest inspection elements?

Yes.

Would this be burdensome for industry?

Waterproofing work

3.4.1.1

Q14: Do you support the proposal to make waterproofing a new class of specialist work? Why / why not?

ACRA supports the waterproofing specialty to be considered as a new class of specialist work. Remedial building work invariably involves a response to water ingress at some stage. The remedial industry is all too familiar with the consequences of inadequate workmanship. A licencing system we hope will address this.

Further consideration needs to be given to differentiating between:

- below ground waterproofing;
- above ground waterproofing; and
- internal waterproofing
- remedial waterproofing

Waterproofing courses should relate to:

- Australian Standards eg AS 3740; AS 4654
- NCC
- best practice guides for waterproofing (Master Builders Association)
- ACRA's one-day course for remedial waterproofing

Q15: Many tradespeople currently do waterproofing work as incidental to their primary vocation, e.g. tilers, bricklayers, bathroom renovators and swimming pool builders. How will this change affect those trades? Are any other trades impacted by this change?

If waterproofing is deemed a new class of specialist work, then those trades (as mentioned above) who undertake waterproofing should also attain the waterproofing specialist class. ACRA welcomes the opportunity to work with Government in developing the criteria and professional standards for this specialty.

Trades that interact with any component on a building involving waterproofing should have a basic awareness of the waterproofing/flushing components of a building. Trades such as: plumbers, electricians, carpenters, bricklayers, tilers, and glaziers, all in some way interact with waterproofing/flushings. There could possibly be a waterproofing awareness course for other trades.

How does this new proposed class of specialist work (waterproofing) interface with the DBP and the role of building and design practitioners?

Q16: Should any of the alternative options explored by the Department be considered instead of, or in addition to the proposal?

Yes. ACRA supports each of the below options. Industry advice will be essential in further developing this specialist area to ensure licencing and regulations are credible/appropriate.

3.4.1.2.1 Alternative options explored

In developing this proposal to make waterproofing a specialist licence, the Department also explored several alternative options to address waterproofing defects, including:

- Strengthening requirements and increasing education for designers involved in waterproofing
- Establishing multiple levels of waterproofing licence classes, similar to the proposed approach for builder licence classes, to recognise the different types and complexity of work
- Using a risk-based approach, establishing different requirements for waterproofing work in different building classes
- Establishing a waterproofing endorsement for trade licence holders (subject to them meeting the minimum eligibility requirements to do waterproofing work).

Painting

3.5.5.3

Q25: Should any other painting applications be included in this licence class? If yes, why?

The deregulation of decorative painting appears logical; however, clarity should be provided as to the application for external painting works. Although external painting might be required purely for decorative purposes, it will still have waterproofing and weatherproofing applications. Defining purely by being decorative may create an unwanted loophole.

Other jobs on site such as project managers and estimators

3.8.2.2

Q32: What evidence should the Department consider in finalising a position statement on potential licencing requirements for project managers?

Consider what parts of the construction process to Project Managers have direct influence over; how do purchasing decisions impact ultimate construction quality.

The definition of a project manager needs to be provided as the interpretation can vary. Depending on the Tier of the building company, project managers may have different definitions. For example: a Tier 3 Builder may have the same person acting as the project manager, site manager and contract administrator. A Tier 1 building company may have these 3 roles as 3 separate persons. We suggest that there is more work and further consultation required to explore this consideration.

Q33: Should the Department consider co-regulation of quantity surveyors? If yes, please provide evidence of risks and harms caused by unregulated quantity surveyors.

ACRA thinks that improved regulation is required.

Quantity surveyors can at times provide inaccurate estimates on projects. There appears no accountability. This can be detrimental to any build cost both for the builder and the client.

Descriptions of work authorised by licence (see Attachment Paper)

Q34: Do you agree with the proposed revisions to the descriptions of work? Why / why not?

Yes, except for the following:

Under Roof Tiling, should include the clarification that roof sheeting is included.

Further comments

Q38: If you have any further comments or general feedback on the Department's proposals for licencing, please provide them here.

ACRA welcomes the opportunity to engage further with the Department of Customer Service in ensuring the nuances of the remedial industry are understood and reflected in the new licencing system.