

# Design and Building Practitioners Regulation 2020

## Stakeholder Feedback Template Form

**Submissions close 5:00pm 11 January 2021**

Your Name: Clinton Skeoch

Organisation Name: AWA-AGGA Limited trading as the Australian Glass and Window Association

Date: 11 January 2021

### About you

The Australian Glass and Window Association (AGWA) is the peak association representing over 1000 member companies in the glazing and fenestration industry. We endorse compliant, sustainable and fit-for-purpose products and provide services to members that support their efforts to operate successfully.

A condition of membership is that all AGWA members participate in the Accredited Company Program (ACP) which involves an annual audit of compliance to independently demonstrate product performance and compliance with the National Construction Code, Australian Standard (AS) 2047 Windows and external glazed doors in buildings, Australian Standard (AS) 1288 Glass in buildings and other relevant Australian Standards.

The AGWA Accredited Company Program provides a comprehensive framework to develop and demonstrate the skills, experience, and integrity of member company's production systems by formally recognising and promoting competence and expertise in window production, glazing and related activities.

The Accredited Company Program underpins several core objectives of the AGWA, including:

- Driving product conformity and compliance
- Providing advice and support to members
- Facilitating technical capability and knowledge
- Developing relevant skill sets through training
- Influencing industry and product sustainability
- Advocating to governments and regulators
- Promoting to members, stakeholders, the community and consumers

### Regulatory Impact Statement (RIS)

#### Scope of reforms (page 15)

1. *Do you think the reforms should be expanded to other types of buildings over time? Why/Why not? If so, which types of buildings do you think should be next?*

Yes, it should be expanded as the risk of lack of appropriate design, specification and non-compliance and conformance is currently visible across all classes of buildings.

Class 1 buildings should be next due to the broad impact it has on society at large.

2. *Do you agree that the reforms should only apply to existing arrangements where the Complying Development Certificate or Construction Certificate has been applied for on or after 1 July 2021? Why/Why not?*

Reforms should be put in place as soon as practicable. Delaying the implementation of these changes will affect confidence in the building stock.

## **Regulated design (page 17)**

3. *Are the proposed exclusions from 'building work' appropriate? Why/Why not?*

While we are comfortable with the idea of these exclusions, consideration needs to be given to the application of Item 27 on a singular basis ie replacing a single window or balustrade element should be fine but replacing all the windows or a full balustrade for a building or unit block needs consideration of design, specification and appropriate compliance.

4. *Are there other works that should be exempted? Please provide the basis for the exemption and when the exemption should be effective (for example, a description of the works or threshold of the value including the reason for that value).*

No

## **Registration of Compliance Declaration practitioners (page 23)**

5. *Do you support the proposed classes of Design Practitioner? Why or why not?*

Yes.

6. *Are there other types of Design Practitioners that should be included or any that should be removed? If so, what are they and why?*

No

7. *Do you support the proposed qualification, skills, knowledge and experience requirements for each class of practitioner? Why or why not? Please make suggestions for additional or alternative requirements.*

Yes

- 8.** *Other than qualifications, skills, knowledge and experience requirements, are there any other eligibility criteria that applicants should meet to be eligible for registration?*

No

- 9.** *Do you agree that practitioners should be required to have 5 years of recent and relevant practical experience?*

5 years is appropriate but consideration is needed regarding aligned capabilities that can be recognised to ensure the time requirement does not create insurmountable barriers to niche areas of expertise.

- 10.** *Some classes of practitioner have been proposed with authority to work on low and medium rise buildings? Do you support this approach?*

Yes

## **Registration of Professional Engineers (page 29)**

- 11.** *Are there any other areas of engineering that should be captured for the purposes of designing or constructing a class 2 building, or a building containing a class 2 part?*

No

- 12.** *Do you support a co-regulatory approach for the registration of engineers?*

Yes

- 13.** *Pathway 1 will require an engineer to satisfy certain qualifications, skills, knowledge and experience requirements. Are there any other eligibility criteria that engineers should meet before being registered?*

No

- 14.** *The Regulation proposes recognition of Washington Accord accredited qualifications. Do you think this is appropriate? If not, what alternative approach do you suggest?*

Yes

- 15.** *Under Pathway 2 what criteria do you think the professional engineering body should satisfy to be eligible to perform their function?*

Minimum number of members >5% of engineers in NSW and have procedures, policies and manpower to ensure they can monitor and assess the requirements as listed.

**16.** *Would you be supportive of professional bodies developing a PSS for Pathway 3 to be available?*

Yes

**17.** *Do you agree that Professional Engineers should be required to have 5 years of recent and relevant practical experience?*

Yes – see above

**18.** *Do you support the proposed generic list of skills and knowledge requirements for all classes of engineering (excluding fire safety)? If not, please outline what you think the specific skills and knowledge for each class of engineer should be.*

Yes

## **Compliance Declaration Scheme: practitioner requirements (page 38)**

**19.** *Do you support the proposal that all construction issued regulated designs must be lodged before any building work can commence? Why or why not?*

Yes. The current model has failed on multiple levels and more care needs to be taken before initiating projects.

**19.** *Do you support the Building Practitioner being primarily responsible for lodging regulated designs on the NSW Planning Portal? Why or why not? If not, who do you think should be responsible at the different lodgement points? Please explain your answer.*

Yes

**20.** *Do you support the matters covered in the Design Compliance Declaration? Why or why not?*

Yes

**21.** *Do you consider any other matters should be included in the Design Compliance Declaration?*

No

**22.** *Do you support the proposed title block? Are there any other matters that should be included in the title block?*

Yes

**23.** *Do you support the title block being available in a .dwg format?*

Yes

**24.** *Do you support the proposal that varied regulated designs be lodged within 1 day of the building work being commenced? Why or why not?*

Yes

**25.** *Do you support the proposal that the Building Compliance Declaration, regulated designs and variation statements be lodged prior to the application for the Occupation Certificate? Why or why not?*

Yes

**26.** *Are there further matters that should be included in the Building Compliance Declaration? If so, what are they?*

No

**27.** *Are there further matters that should be included in the Principal Compliance Declaration? If so, what are they?*

No

## **Insurance (page 51)**

**28.** *Do you support the approach proposed for insurance requirements for Design Practitioners and Professional Engineers? Why or why not?*

Yes

**29.** *Do you consider additional insurance requirements should be prescribed for Design Practitioners and Professional Engineers? If so, what?*

No

**30.** *Do you support the proposed transitional arrangements that exempt Building Practitioners from being insured for issuing Building Compliance Declarations? Why or why not?*

No. All effort needs to be made to ensure all practitioners are adequately insured.

## **Continuing professional development (CPD) (page 54)**

**31.** *Do you support the proposed CPD requirements for Design and Building Practitioners? Why or why not?*

Yes

**32.** *What types of training, education or topic areas would be relevant for the functions carried out by Design and Building Practitioners?*

No opinion

**33.** *Do you support the proposed CPD requirements for engineers under pathway 1?*

Yes

**34.** *Do you support the mandatory CPD topic areas? Why/why not? Please make any suggestions for amendments and explain why they are necessary.*

No opinion

## **Penalty notice offences (page 57)**

**35.** *Do you support the proposed penalty notice offences and amounts proposed in Appendix 1? Why or why not?*

No Opinion

**36.** *Do you think the proposed penalty notice offences and amounts are fair and reasonable?*

No Opinion

## **Fees (page 59)**

**37.** *Do you support the reasons for the proposed fees? Why or why not?*

Yes

**38.** *What do you think NSW Fair Trading should consider in determining the fees?*

The level of investment needed to support change and may reduce over time.

**39.** *Are you interested in being involved in targeted stakeholder consultation on fees?*

No