

Our laws are certifiably crazy

Stephen Goddard

WE assume we live in a safe society, but the failure of our building certification processes to guarantee delivery of minimum fire safety standards in high-rise residential buildings across Australia is calling that assumption into question.

The sight of a Sydney resident jumping to her death from her fifth floor apartment in a non-compliant 10-storey building was the ultimate proof of our loss of innocence.

The evidence is in. The nationwide systemic failure of our building certification process means we can no longer assume Australians build safely.

Recent research by the University of NSW confirms 85 per

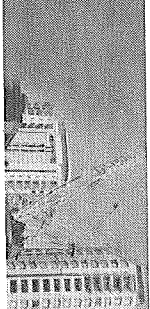
cent of all new apartment buildings in NSW have building defects. Fifteen per cent of those defects are breaches of the fire safety code that represent threats to life.

Defects usually have their origin in non-complying building practices which are certified as meeting the relevant building code when in fact they do not.

Our loss of innocence began 12 years ago when our state governments elected to deregulate the building certification procedure.

Local government involvement in the certifying process, perceived as inefficient "red tape", was removed. Responsibility for certifying compliance was outsourced to a brand new "private certifier" industry.

GOING CONCERN



This Thatcherite small government approach to public policy usually failed to include an accreditation protocol for licensing certifiers.

No legislative processes were created to audit the work of certifiers.

Worse still, inadequate sanctions were created to punish certifiers who issued false certificates of compliance.

Building defects became so commonplace in NSW after the introduction of private certification that insurance companies

started leaving the home warranty insurance market.

Building defects have now become an inherent part of our "way of life". We now have more consumer protection buying a refrigerator than we do buying a \$1 million apartment on the Gold Coast.

But acceptance of false certification of building compliance is by no means the limit to our current national public policy sloth in the matter.

Systemic failure of our building certification process has

created a new dark art known as "deemed compliance".

Deemed compliance for the Gold Coast's Q1 building has kept the Queensland Building Services Authority busy trying to find means of approving a fire star which is not and cannot be pressurised to keep out smoke.

OBSA is not alone. Deemed compliance is a national pastime wherever private certification fails to stop defective construction.

Certification of non-compliant building works is a scandal. Deeming compliance is a fraud.

Tolerance of either is a potential threat to our life safety.

It is time for our state governments to clean up this systemic failure in the certification pro-

cess meant to deliver compliance with building codes.

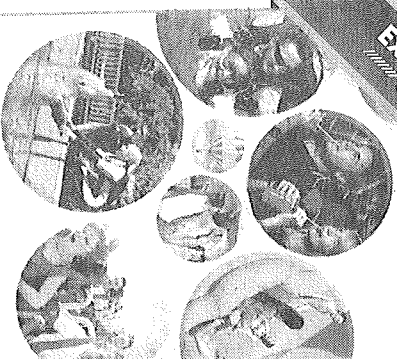
No longer should we seek professional indemnity insurance to rectify the negligence of certifiers.

We have gone past the need for even a "three strikes and you're out" rule for the serial offenders.

The existence of the fire stairs in Q1 and the loss of life in Sydney mean the public interest now requires criminal charges to be laid against certifiers who falsely certify building work as complying with the fire code.

• Stephen Goddard, a solicitor, is chairperson of the Owners Network Corporation, a peak body for investors in strata schemes.

Exclusive Subscriber
COMPETITION



myfun.com.au

\$500

The Best Attractions & Experiences Australia Wide

WIN 1 OF 15 MYFUN GIFT CARDS!

Take the whole family and discover a world of fun with MyFun Gift Cards!

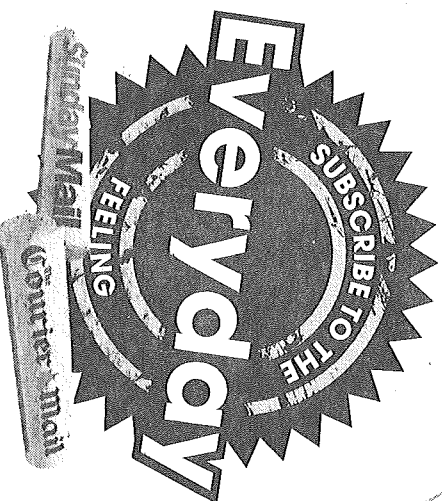
Unlimited fun at Australia's best attractions including theme parks, zoos, aquariums, cinemas, bowling, museums and many more!

Your gift of fun. Their choice of attractions!

Subscribers can enter the draw to win:
• 1 of 15 \$500 MyFun Gift Cards

myfun.com.au

To enter this exclusive everyday advantage club competition go to couriermail.com.au/everyday



everydayadvantageclub
www.couriermail.com.au/everyday

COMPETITION IS ONLY OPEN TO EXISTING SUBSCRIBERS OF THE COURIER MAIL AND OR THE SUNDAY MAIL. Entries close 23:59 30/11/12. Entries will be drawn 10am 03/12/12. Winners will be notified by mail/phone. Total prize value \$7500.00 (inc GST). MyFun Gift Cards can be purchased at major retailers or at myfun.com.au. For full terms & conditions visit couriermail.com.au/everyday