

Association of Australian Certifiers

Building Commission NSW

James Sherrard
NSW Building Commissioner

30 May 2025



Building Commission NSW - key priorities



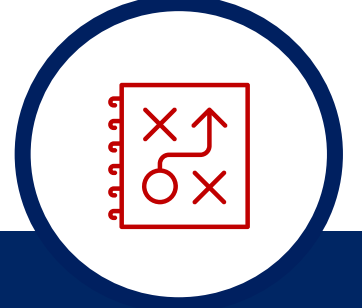
Support the Building Bills progress to Parliament, delivering stronger regulation, industry productivity, and consumer protection



Continue to support the NSW Government's National Housing Accord targets by increasing compliance and quality



Encourage further education and engagement with industry



Set clear expectations for industry and the community on 'what good looks like'

What is changing?

The consolidation of various building laws into a new, easy to read law



Building Bill

- Introduction of a plain English Building Act
- Modernise and consolidate building legislation, incl:
 - Home Building Act
 - Design Building & Practitioners Act
 - Building Development Certifiers Act



Building Compliance & Enforcement Bill

- Suite of enforcement and compliance tools
- Aims to improve the quality of construction and provide enhanced protections for consumers
- Proactive regulatory approach

The first audit of all **Class 1** registered private and council certifiers in the class 1 building sector



- All 427 persons holding NSW registration as Building surveyor – restricted (class 1 and 10 buildings)
- BCNSW’s audit team viewed the OC, CSI records and related documents for 728 Class 1a residential projects across metropolitan and regional NSW
- Aimed to engage with certifiers, gather data on performance, support BCNSW’s proactive inspections of class 1 building work

	Private	Council	Total
Number of certifiers audited	235	192	427
No. Class 1a residential projects	423	305	728

What we found

A proportion of the 427
registered certifiers
no longer active
38% not issued an OC since
July 2023

Poor practices related to CSI
Relying on photographs
and lacking
key information

Concerns with engineering-
related scrutiny of
foundations
Relying on assumed
classification
and without evidence

Low awareness of the
certifier practice standard
despite being a mandatory
condition of registration

Inconsistent format of
OCs
Relying on a BIC to issue
an OC
Partial OCs and
Signature issues

Examples of incomplete Critical Stage Inspection Reports (CSI)

Inspection Report – Slab - Remainder of ground floor	
Application Ref:	[REDACTED]
Development:	Single Dwelling
Land Developed:	[REDACTED]
Inspection Date & Time:	17/05/2023 14:00
Inspection Result:	Satisfactory with additional works required
Inspection Comments:	
<ol style="list-style-type: none">1. Complete the installation of N12 perimeter bars.2. Complete placement of all SL81 reinforcing mesh.3. Install termite collars to remaining pipe penetrations.	

Marked satisfactory but identifies incomplete works

INSPECTION	RESULT	DATE
Trench and Steel	Satisfactory	18/12/2023
Stormwater Drainage Connections	Satisfactory	24/01/2024
Retaining/Block Wall Core Filling	Satisfactory	5/02/2024
Stormwater Drainage Connections	Satisfactory	20/02/2024
Slab on Ground	Satisfactory	26/02/2024
Slab on Ground	Satisfactory	29/02/2024
Stormwater Drainage Connections	Satisfactory	12/03/2024
Suspended Slab Steel	Satisfactory	27/03/2024
Frame	Satisfactory	14/05/2024
Wet Area Flashing	Satisfactory	5/06/2024
Floor Frame	Satisfactory	19/07/2024
Frame	Satisfactory	19/07/2024
Fire Resistance Level Wall Inspection	Satisfactory	19/07/2024
Completion Inspection	Satisfactory	19/07/2024
Wet Area Flashing	Satisfactory	7/08/2024
Wet Area Flashing	Satisfactory	19/08/2024
Completion Inspection	Satisfactory	2/09/2024

Fails to include name of dwelling/
unit number inspected in a multi-story building

Example of Engineering Certificate

During the course of construction an inspection was made of the slab reinforcing steel preparations at the above address and we are satisfied that the work generally conforms with our instructions and the intent of the design as indicated on the structural engineering drawings.

We hereby certify that the slab reinforcing steel inspected are structurally adequate for the proposed structure.

This certificate shall not be construed as relieving any other party of their responsibilities, liabilities or contractual obligations.

It should be noted that certification only applies to the structural components of the slab and not dimensional accuracy.

Lacks information per Ch. 6 of the Practice Standard including the extent to which it can be said to verify compliance of the slab construction

Example of missed inspection

REFERENCE DOCUMENTATION:	<input type="checkbox"/> Building Plans <input type="checkbox"/> Survey <input type="checkbox"/> Building Certificate <input checked="" type="checkbox"/> Engineers Certification <input type="checkbox"/> Statutory Declaration <input type="checkbox"/> Third Part Certification <input type="checkbox"/> Trade certificate
REASON FOR MISSED INSPECTION	
DATE OF INSPECTION	19/01/2017
TYPE OF INSPECTION:	Core fill blockwork

Issuing an OC when not determining if an inspection was unavoidably missed

Class 2 Audits: The difference between private and public certifiers - Building certification work audit (November 2024)



What we looked at

- Council and private certifiers
- 38 class 2 projects across metro and regional NSW
- Quality of independent certifier decision-making and procedures used when issuing approvals

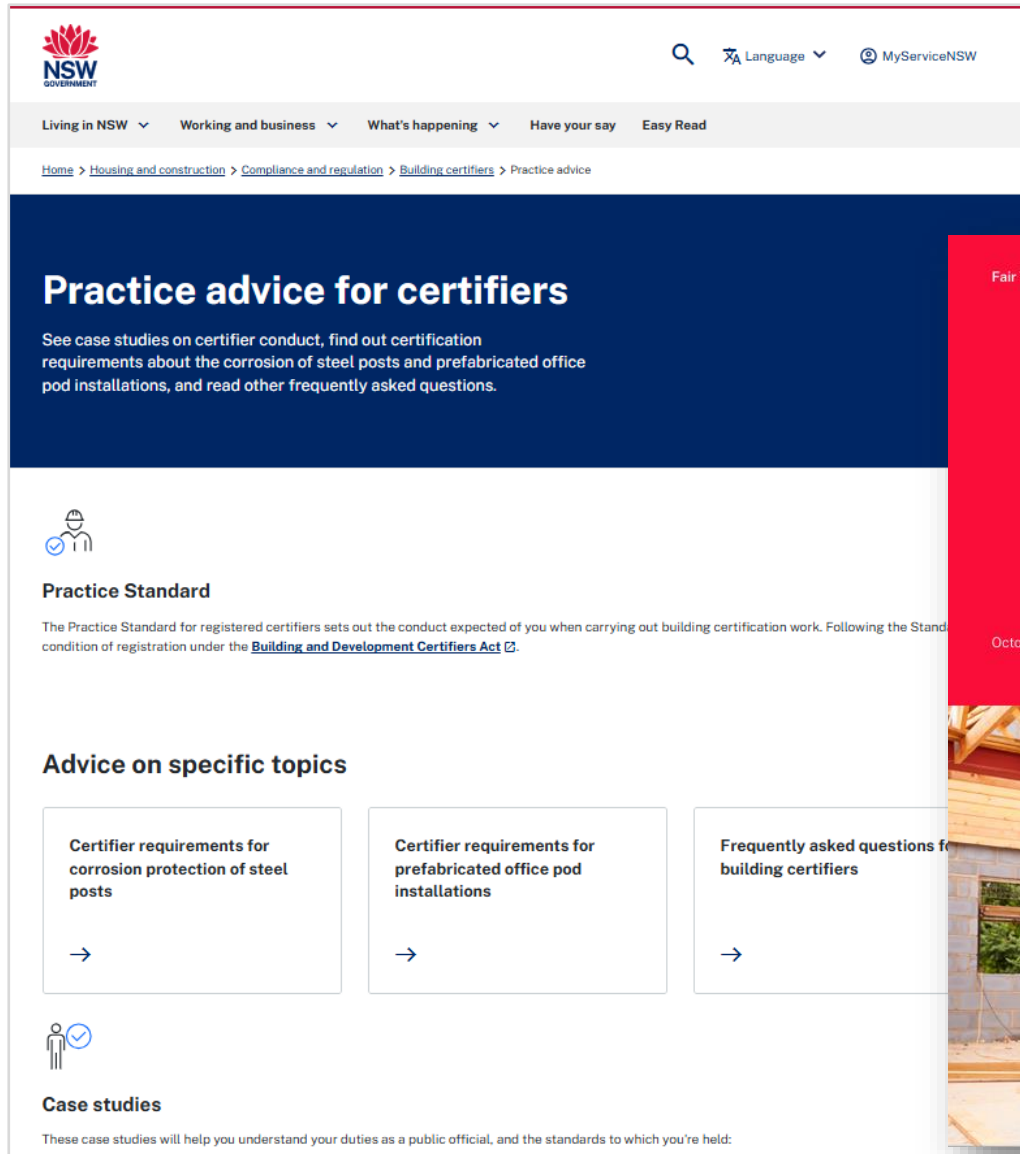


What we found

- non-compliant certification work across council and private certifiers
- incorrect version of the Building Code of Australia applied
- non-compliances with critical stage inspections
- deficiencies relating to fire safety



What are we doing to improve this



Practice Standard for Certifiers



Scan the QR Code to view on website

Enhancing the certifier application process



Understanding existing pain points

July 2024

Key challenges identified included:

- Long waiting times for applications to be assessed
- Difficulty in understanding and gathering all the required documentation
- Concerns regarding the objectivity of the application process
- Inconsistent communication between the regulator and applicants
- Lack of emphasis on the supervisor/referee role in the application process



Industry groups established and held

July, September & November 2024

- Building Commission NSW established industry working group
- Purpose of the group is to:
 - Understand challenges and pain points
 - Foster a collaborative approach in identifying and implementing ways to improve the class 1 and 10 registration process
- AAC, AIBS NSW and registered certifiers in attendance
- Meets quarterly, with 3 sessions held to date. Recommencing in March 2025

Industry groups achievements to date

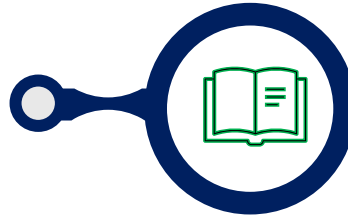


Reduced the overall registration backlog

Implemented a phased approach to the class 1 and 10 application and assessment process



Resourced and upskilled Building and Development Certifiers team to reduce the waiting time for applications to receive an outcome



Developed changes to the Knowledge, Skills and Experience guide



Addition of a supervisor/referee declaration



Improvements to the Certifier online application portal

Industry working group focus for 2025



Draft Knowledge, Skills & Experience guide to be shared with Industry working group for feedback



Review challenges facing regional areas when applying for registration



Deep dive into current experience requirements and supporting documentation



Refreshed, easy to understand **plain English** documents



Website Improvements:

- Publish Monthly processing timeframes
- Additional examples of **what is required** during the application process

Certifier learning – current and proposed



In 2019 three compulsory webinars were created by FT for all new certifiers to watch and complete a follow up assessment within their first 12 months of registration:

1. Building and Development Certifiers Legislation.
2. Corruption prevention.
3. Practice standards Vol 2.



In 2023 The courses would be updated and converted into micro-skills courses:

1. Corruption prevention.
2. Practice standards Vol 1 & 2 (combined).

These new courses will replace the webinars as mandated learning.



Courses currently in testing phase

Feedback from AAC and AIBS has been incorporated into content.

Intended to be exclusively on Construct NSW platform.



All new certifiers required to take these courses within 12 months of registration.

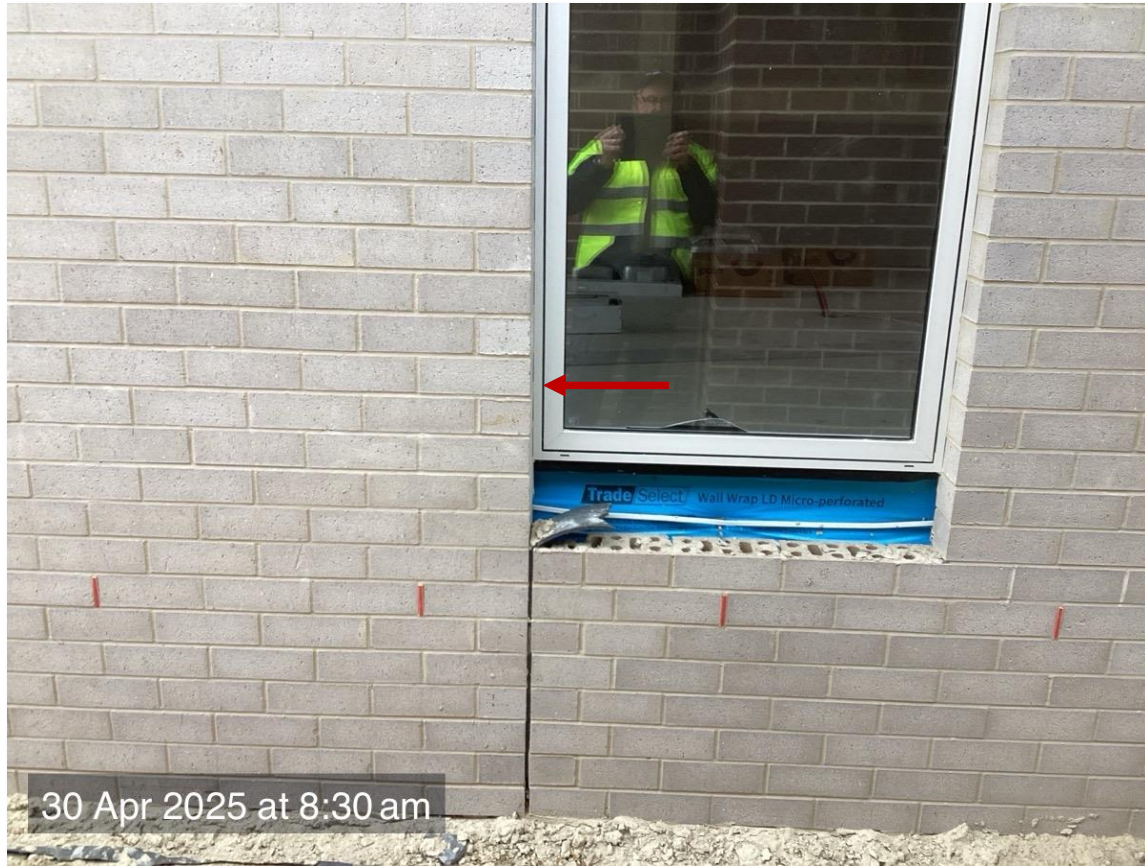
Courses will be delivered at no cost over the next few months until 30 June 2025.

Some common issues we're seeing in the field

- Damp Proof Course (DPC) not proud at the outside face of the building.
- This non-compliance would be evident in 90% of class 1 homes constructed.



What we're seeing in the field



Vertical Control joints in masonry not continuous through window and door openings



Where the window frame abuts the brickwork the vertical control joint needs to be maintained

What we're seeing in the field



- Inspectors are finding high incidence of electrical and plumbing services being run through the same conduit in kitchen island bench installations in Class 1 buildings.
- The services need to be run separately.

Questions & Answers

