

4 September 2019

Office of Fair Trading
Department of Finance, Services and Innovation
By Email: BDCBill2018@finance.nsw.gov.au

Dear Sir or Madam,

Building and Development Certifiers Bill 2018 – Public Consultation

Lighting Council Australia (LCA) welcomes the opportunity to provide feedback on the proposed Building and Development Certifiers Bill 2018.

LCA's feedback is based on consultation with the lighting luminaire and lamp supply industry through our member network. LCA Members supply around 80% of all lighting equipment in Australia in the residential, commercial, industrial and public lighting markets. New South Wales has the biggest manufacturing presence in the lighting industry and sees the supply of products from businesses across the country.

LCA broadly endorses the proposed *Building and Development Certifiers Bill 2018* to strengthen the regulation of certifying authorities.

LCA makes the following comments:

- The appointment of accreditation authorities to facilitate non-government bodies to accredit competent practitioners is a positive step. Caution needs to be exercised as a goal of the *Building and Certification Bill 2018* is to improve complaint handling and disciplinary procedures. In our view however, the decentralisation of these functions to accreditation authorities will lead to misalignment and confusion.
- Greater transparency is needed in the use of performance solutions in the area of fire safety systems, as the risks involved with non-compliance warrant extra caution. An extra level of risk control would be achieved by having performance solutions subject to review by an independent peer or a panel of suitably accredited persons on the request of an interested party request. This may fall within the remit of the Department or an accreditation authority.

- Creating provisions for a complainant to access documentation from a certifier would allow for more complaints to be resolved before escalation to the Building Professionals Board. Currently, certifiers are not obliged to make reports available which significantly reduces the probability of resolution without escalation.
- The strengthening of clauses in Part 3, Division 2 – *Conflict of Interest* is a positive step in ensuring commercial interests or otherwise do not have undue influence on safety.
- Stronger audit and compliance action is needed for electrical and fire safety systems. The self-certifying nature of these areas can lead to non-compliance to the National Construction Code and the use of non-compliant product.

LCA commends the changes that have occurred so far in order to strengthen the regulation and certification system for fire safety practitioners.

We look forward to receiving the finalised *Building and Development Certification Bill* and will participate in future public consultations on changes to the New South Wales building certification.

Yours sincerely,



Timocles Copland
Corporate Affairs Manager
Lighting Council Australia
Mob: 0450 644 430