

# Submissions on AS 4349.2 Inspection of Buildings Drafted March 2017

**TO:** **The Responsible Officer**  
Standards Australia  
  
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**SUBJECT:** Submissions on AS 4349.2 Inspection of Buildings Dates  
March 2017

Dear Sir,

## **INTRODUCTION**

This is a submission from Bannermans Lawyers addressing a number of issues raised in the discussion paper, based on our experience acting for owners, strata plans, community associations, lot owners, managing agents and contractors in relation to building defect claim disputes in over 250 matters.

We understand that draft standard is primarily to address and be adopted by the New South Wales Office of Fair Trading to be the form of the report used under Part 11 of the Strata Schemes Management Act 2015.

Therefore, our submission is focussed on drawing out the issues of concern if this form were to be used in that legislative environment, bearing in mind that other states are reviewing their strata legislation and could seek to adopt a similar process to that of NSW.

In our view:

1. This new draft standard is based upon the previous standard for pre-purchase inspection reports for houses which are typically priced at about \$400 to \$600 per report and conducted by person.
2. However, the new standard is required to deal with new multi storey buildings which are far more complex than houses and for which report costs are often priced around \$350 to \$450 per lot and depending on the number of lots and issues at the building can cost many thousands of dollars and involve multiple disciplines from waterproofing to fire and mechanical engineers etc.
3. The current document is not suitable for adoption by the NSW Office of Fair Trading to be used in the legislative environment under Part 11 of the Strata Schemes Management Act 2015.

There needs to be provision for 2 reports, being an interim report and then a final report the details are of which are different between the two.

1. An interim report should contain the following information:

- a. The item number
- b. Location of defect
- c. Description of defect
- d. Basis/Cause for defect
- e. Photograph of defect or affected area
- f. Proposed rectification scope of works

2. A final report should contain the following information:

- a. The item number
- b. Location of defect
- c. Description of defect
- d. Basis for defect
- e. Photograph of defect or affected area
- f. Proposed rectification scope of works
- g. Costs to rectify the defects.

There needs to be allowance for:

1. Inspection and reporting on the whole of the building, including common areas within a lot.
2. Close and careful scrutiny of **all** defects (not just a visual inspection). The Standards states that only a visual inspection is required and that the report should include:
  - a. Any major defect that is urgent and a serious safety hazard
  - b. Major defects
  - c. Description of nature and extent of minor defects.

The Standards then provides examples of major defects to include “unstable treads on a fire exit stair” and “a leaking roof over a habitable area”. This is incorrect. The definition of major defects is outlined in the Home Building Act 1989. As such, the definition of major defect in the Standards should simply say “the definition as prescribed in the Home Building Act 1989 and Home Building Regulation 2014.

The Standards should change its wording to reflect the following:

- a. **All** areas are to be inspected with close and careful scrutiny. Common areas should be redrafted to extend to and include “common property areas” which would include common property within a lot.
- b. **All** defects to be identified - there should be no distinction between major and minor defects. There should be consistency of what is to be inspected and reported under the Standards nationally.
- c. The Inspector needs to identify **all** defects, however if further investigation is necessary, the Inspector will need to specify which specialist work/consultants may be required, including but not limited to fire safety, waterproofing, electrical, hydraulics, structural, acoustics, etc.

As such, the recommendation is that a “close and careful scrutiny of a building” should be carried throughout the Standards and any reference to simply a “visual inspection” should be deleted.

3. Integration of various disciplines to complete a report, including but not limited to fire safety, waterproofing, electrical, hydraulics, structural, acoustics, etc.
4. A suitable format of both reports with directives as to the cause of the defect, a scope of works at an interim level and a final scope of works and costs of works at a final level. The question arises as to what is the point of the report if it does nothing to identify the cause of the defect and how to properly rectify it. If this is not included, it will fall to the builder to come up with a scope of rectification, which is a flawed system.
5. There needs to be costings determined in the final report as it will be used to determine what parts of the 2% bond are to be allocated to the owners corporation and the developer.

We have included commentary in the format you requested in summary we note the following:

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| Preface               |                     | Paragraph 4   | Technical                  | 2        | The report should not be limited to a visual inspection. The inspection should include an inspection of all defects.      | Delete: "a visual"<br>Replace with: "an"<br>The sentence should now read:<br><br>An inspection on accordance with this Standard is an inspection to assess the presence of defects in the property.                               |
| Preface               |                     | Paragraph 5   | Technical                  | 2        | The report should not be limited to a visual inspection. The inspection should include an inspection of all defects.      | Delete: "a visual"<br>The sentence should now read:<br><br>This Standard is part of the AS 4349 series of Standards, which covers minimum requirements for the inspection of buildings, as follows:                               |
| Foreward              |                     | Paragraph 1   | Technical                  | 4        | An inspection is necessary (not may be warranted) where a building is being assessed for release of building defect bond. | Delete: "may be warranted"<br>Replace with: "is necessary"<br><br>Delete: "or similar"<br>The sentence should now read:<br><br>An inspection is necessary where a building is being assessed for release of building defect bond. |

<sup>1</sup> Options include: Clause, Title, Table of Contents, Preface, Foreword, Introduction, Appendix, Bibliography or Index.

<sup>2</sup> Options include: Editorial, General or Technical.

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| Foreward              |                     | Paragraph 3   | Technical                  | 4        | <p>What constitutes 'rigorous assessment'?</p> <p>The report should not be limited to a visual inspection. The inspection should include a rigorous inspection as it is remiss to attempt to diagnose a waterproofing issue without further investigation, such as destructive investigations.</p> | Delete – “The inspection is not intended to include rigorous assessment of all building elements in a property.”  |
| Section 1             | 1.1 Scope           | Paragraph 1   | Editorial                  | 5        | <p>Include “an” before the words associated report.</p>  | <p>Include “an” before the words associated report.</p> <p>The sentence should now read:</p> <p>This Standard sets out the minimum requirements for the inspection and preparation of an associated report on common areas of a group titled property.</p>                                |
| Section 1             | 1.1 Scope           | Paragraph 1   | Technical                  | 5        | <p>The report should not be limited to a visual inspection. The inspection should include a rigorous inspection as it is remiss to attempt to diagnose a waterproofing issue without further investigation, such as destructive investigations.</p>  | <p>Delete: “visual”</p> <p>Include after the words “further inspections that are warranted”: “by an appropriate consultant or engineer, including but not limited to fire safety, waterproofing, electrical, hydraulics, structural, acoustics,”</p> <p>The sentence should now read:</p> |

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|                       |                     |   |                            |          |  | The inspection will be a defect inspection with the duty to recommend any further inspections that are warranted by an appropriate consultant or engineer, including but not limited to fire safety, waterproofing, electrical, hydraulics, structural, acoustics, and will be carried out after construction.   |
| Section 1             | 1.1 Scope           | Paragraph 2   | Technical                  | 5        | What constitutes 'agreed areas'?<br><br>The scope of this inspection should include all areas of the property.   | Delete: "agreed areas"<br><br>Replace with: "accessible areas"<br><br>The sentence should now read:<br><br>The scope of this inspection includes all accessible areas of the property.   |
| Section 1             | 1.1 Scope           | Paragraph 3   |                            | 5        | The question arises as to what the point of the report is, if it does nothing to identify the cause of the defect and how to properly rectify it. If these provisions are not included, it will fall to the builder to come up with a scope of rectification, which is a flawed system resulting in poor rectification methods being | Delete: "does not require"<br><br>Replace with: "requires"<br><br>Include after the words "cost of rectification of defects": "where appropriate, in order to properly address the defect identified."<br><br>The sentence should now read:<br><br>Standard requires identification of the cause of the defects, a scope of rectification works and an estimate of the cost of rectification of defects, where appropriate, in order to properly address |

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|                       |                           |   |                            |          | allowed.   | the defect identified.                                     |
| Section 1             | C1.1                      | Paragraph 2   | Technical                  | 5        | <p>This paragraph is a modified version of the Australian Standard AS4349.1-2007 which is utilised for pre-purchase inspections. This is irrelevant and a lot a more is needed to make it suitable for use amongst group title buildings in the legislative environment of NSW.</p> <p>The point of the report is to identify the cause of the defect and how to properly rectify it. If these provisions are not included, it will fall to the builder to come up with a scope of rectification, which is a flawed system because it will allow builders to carry out substandard fixes to the defects.</p> | Delete paragraph 2 of C1.1                                 |
| Section 1             | 1.2<br>Limitation<br>s of | Paragraph 2   |                            | 5        | The purpose of this report is to identify all defects. Not including the identification of   | Delete: “does not include”<br><br>Replace with: “includes” |



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|                       | standard            |   |                            |          | unauthorised building work or of work not compliant with building regulations is remiss and defeats the purpose of this report.                                | <p>Include after the words “not compliant with building regulations”: The Standard includes the experts’ identification of systemic defects and an analysis of the cause of the defect being whether they were due to poor design and/or specifications or whether they were due to poor building work/practices.</p> <p>The paragraph should now read:</p> <p>This Standard includes the identification of unauthorised building work or of work not compliant with building regulations. The Standard includes the experts’ identification of systemic defects and an analysis of the cause of the defect being whether they were due to poor design and/or specifications or whether they were due to poor building work/practices.</p> |
| Section 1             | 1.4.2               | Paragraph 1   | Technical                  | 6        | <p>The definition of accessible area provided is vague and is a tautology.</p> <p>Redefine accessible areas to all areas include common areas within a lot</p> | <p>Delete: “Area of the site where sufficient, safe and reasonable access is available to allow inspection within the scope of the inspection”</p> <p>Replace with: “All areas reasonably accessible to allow for inspection including accessible roof voids and common property areas within a lot.”</p> <p>The paragraph should now read:</p>  |

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|                       |                     |   |                            |          |   | 1.4.2 Accessible area<br><br>All areas reasonably accessible to allow for inspection including accessible roof voids and common property areas within a lot.  |
| Section 1             | 1.4 .3              | Paragraph 1   | Technical                  | 6        | The purpose of this report is to identify all defects. There is no need for the Standards document to create new meanings or definitions for different types of defects, such as appearance defects. There should only be one definition of defects because ALL defects need to be inspected and reported on. | Delete 1.4.3  |
| Section 1             | 1.4 .6              | Paragraph 1   | Technical                  | 6        | Common property walls within a lot should be included in the definition of common area.   | Include after the words: "lot owned by an individual owner": This includes common property walls within a lot.<br><br>The sentence should now read:<br><br>1.4.6 Common area<br><br>Every part of a group titled property that is not included in any lot owned by an individual owner. |

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|                       |                     |   |                            |          |  | This includes common property walls within a lot.   |
| Section 1             | 1.4.8               | Paragraph 1                                 | Editorial                  | 6        | This inspection and report is irrelevant to a defects liability period and should be removed.  | Delete: “commonly released after a defects liability period”<br>The sentence should now read:<br>Financial security instrument held against the successful completion of a construction project.  |
| Section 1             | 1.4.9               | Paragraph 1                                 | Editorial                  | 6        | Your definition of defect is incorrect.<br><br>Under section 190 of the SSMA 2015, defective building work means building work that:<br><br>(a) is residential building work done in such a way that it constitutes a breach of a statutory warranty applicable to the work under Part 2C of the Home Building Act 1989, or<br><br>(b) is building work done in such a way that it would constitute such a breach if the building work were residential building work. | Delete 1.4.9<br><br>Replace with:<br>A defect is the builder’s failure to comply with the following criteria:<br><br>(a) the work will be done with due care and skill and in accordance with the plans and specifications set out in the contract,<br><br>(b) all materials supplied by the holder of a contractor licence will be good and suitable for the purpose for which they are used and that, unless otherwise stated in the contract, those materials will be new,<br><br>(c) the work will be done in accordance with, and will comply with, this or any other law,<br><br>(d) the work will be done with due diligence and |

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|                       |                     |   |                            |          | <p>The definition of defects within the Standards should reflect what is currently contained in home building legislation.</p> <p>The warranties set out in section 18B of the home building legislation outlines the warranties required to be complied with. There is voluminous litigation in relation to the statutory warranties and they have been tested extensively to reflect that they uphold the standards of what warranties need to be complied with. As such, the wording in s18B of the HBA needs to be adopted to define a defect.</p> | <p>within the time stipulated in the contract, or if no time is stipulated, within a reasonable time,</p> <p>(e) when the work consists of the construction of a dwelling, the making of alterations or additions to a dwelling or the repairing, renovation, decoration or protective treatment of a dwelling, the work will result, to the extent of the work conducted, in a dwelling that is reasonably fit for occupation as a dwelling,</p> <p>(f) the work and any materials used in doing the work will be reasonably fit for the specified purpose or result.</p> <p>The paragraph should now read:</p> <p>1.4.9 Defect</p> <p>A defect is the builder’s failure to comply with the following criteria:</p> <p>(a) the work will be done with due care and skill and in accordance with the plans and specifications set out in the contract,</p> <p>(b) all materials supplied by the holder of a contractor licence will be good and suitable for the purpose for which they are used and that, unless otherwise stated in the contract, those materials</p> |

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|                       |                     |   |                            |          |  | <p>will be new,</p> <p>(c) the work will be done in accordance with, and will comply with, this or any other law,</p> <p>(d) the work will be done with due diligence and within the time stipulated in the contract, or if no time is stipulated, within a reasonable time,</p> <p>(e) when the work consists of the construction of a dwelling, the making of alterations or additions to a dwelling or the repairing, renovation, decoration or protective treatment of a dwelling, the work will result, to the extent of the work conducted, in a dwelling that is reasonably fit for occupation as a dwelling,</p> <p>(f) the work and any materials used in doing the work will be reasonably fit for the specified purpose or result.</p> |
| Section 1             | 1.4.11              | Paragraph 1   | Editorial                  | 7        | The Standard only requires a visual inspection yet later states it wants a close and careful scrutiny of a building carried out without dismantling. | <p>Include after the words "Close and careful scrutiny of": all defects within</p> <p>Delete: "condition of"</p> <p>Replace with: "defects in"</p> <p>The sentence should now read:</p>   |

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|                       |                     |   |                            |          | The recommendation is that a “close and careful scrutiny of a building” should be carried throughout the Standards and any reference to simply a “visual inspection” should be deleted.  | 1.4.11 Inspection<br><br>Close and careful scrutiny of all defects within a building carried out without dismantling, in order to arrive at a reliable conclusion as to the defects in the building. |
| Section 1             | 1.4.14              | Paragraph 1   | Technical                  | 7        | The purpose of this report is to identify all defects. There is no need for the Standards document to create new meanings for different types of defects. There should only be one definition of defects because ALL defects need to be inspected and reported on.<br><br>As such any references to a distinction of major and minor defects needs to be removed.<br><br>The paragraph also provides a definition of major defect, which is incorrect. | Delete paragraph 1.4.14  |
| Section 1             | C1.4.14             | Paragraph 1   | Technical                  | 7        | This is incorrect. The paragraph provides examples   | Delete paragraph C1.4.14   |

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|                       |                     |   |                            |          | of major defects to include “unstable treads on a fire exit stair” and “a leaking roof over a habitable area”.  |                          |
| Section 1             | 1.4.15              | Paragraph 1   | Technical                  | 7        | <p>The purpose of this report is to identify all defects. There is no need for the Standards document to create new meanings for different types of defects. There should only be one definition of defects because ALL defects need to be inspected and reported on.</p> <p>As such any references to a distinction of major and minor defects needs to be removed.</p> <p>The paragraph also provides a definition of major defect, which is incorrect.</p> | Delete paragraph 1.4.15  |
| Section 1             | C1.4.15             | Paragraph 1   | Technical                  | 7        | <p>This is an incorrect and unnecessary assumption. The paragraph suggests that a minor defect need not be addressed urgently and</p>   | Delete paragraph C1.4.15 |

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|                       |                     |   |                            |          | commonly would be rectified in due course as part of normal building maintenance. The purpose of this report is to identify all defects, including minor defects  |                         |
| Section 1             | C1.4.17             | Paragraph 1   | Technical                  | 7        | The purpose of this report is to identify all defects. There is no need for the Standards document to create new meanings or definitions for different types of defects, such as serviceability defects. There should only be one definition of defects because ALL defects need to be inspected and reported on. | Delete paragraph 1.4.17 |
| Section 1             | C1.4.20             | Paragraph 1   | Technical                  | 7        | The purpose of this report is to identify all defects. There is no need for the Standards document to create new meanings or definitions for different types of defects such as structural defects. There should only be one definition of defects because ALL defects  | Delete paragraph 1.4.20 |



| *Section <sup>1</sup> | *Section Identifier | Paragraph/<br>table/<br>figure/<br>commentary<br>/ note | *Comment Type <sup>2</sup> | *Page No | *Comment Detail  | *Proposed Change  |
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|                       |                     |   |                            |          | need to be inspected and reported on.  |   |
| Section 2             | 2.1                 | Paragraph 1   | Editorial                  | 8        | Typographical error. Need for consistency with the use of the words Client and Inspector   | Capitalise Client and Inspector throughout the document when it reflects the definition in the definitions section  |
| Section 2             | 2.2                 | Paragraph 1   | Editorial                  | 8        | Insert 'the client,'   | <p>Include after the words "provide technical information to: "the Client,"</p> <p>The sentence should now read:</p> <p>The purpose of the inspection shall be to provide technical information to the Client, an owner, prospective purchaser or other interested party regarding the condition of the property at the time of inspection.</p> |
| Section 2             | 2.3.1               | Paragraph 1   | Editorial                  | 8        | The purpose of this report is to identify all defects in all areas. It is also to identify the cause of the defect in order to properly rectify the defects. | <p>Delete: "visual"<br/>Replace with: "an"</p> <p>Delete: "agreed"<br/>Replace with: "accessible"</p> <p>Delete: "major"<br/>Replace with: "all"</p> <p>Delete: "and to form an opinion regarding the general condition of the property"</p>  |

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|                       |                     |   |                            |          |   | <p>Include after the words “at the time of inspection”: and an analysis of the cause of the defect being whether they were due to poor design and/or specifications or whether they were due to poor building work/practices.</p> <p>The sentence should now read:</p> <p>The inspection shall comprise an assessment of the accessible areas of the property to identify all defects at the time of inspection and an analysis of the cause of the defect being whether they were due to poor design and/or specifications or whether they were due to poor building work/practices.</p> |
| Section 2             | 2.3.5               | Paragraph 1, 2, 3, 4 and 5                              | Technical                  | 9        | <p>The purpose of this report is to identify all defects in all areas. It is also to identify the cause of the defect in order to properly rectify the defects.</p> | <p>Delete all of 2.3.5 from the words “Significant items to be reported shall be as follows” until the words “significantly deteriorating exterior paint”</p> <p>Replace with: “The report shall comprise an assessment of all the defects in all areas of the property. If further investigation is necessary, the Inspector will need to specify which specialist work/consultants may be required, including but not limited to fire safety, waterproofing, electrical, hydraulics, structural, acoustics, etc.”</p>   |

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|                       |                     |   |                            |          |   | <p>The paragraph should now read:</p> <p>2.3.5 Extent of reporting</p> <p>The report shall comprise an assessment of all the defects in all areas of the property. If further investigation is necessary, the Inspector will need to specify which specialist work/consultants may be required, including but not limited to fire safety, waterproofing, electrical, hydraulics, structural, acoustics, etc.</p> |
| Section 2             | C2.3.5              | Paragraph 1   | Technical                  | 9        | The paragraph provides a definition of major defect. This is incorrect as it should not be limited to a major defect. The Inspector should identify ALL defects.  | Delete: C2.3.5   |
| Section 2             | 2.3.6               | Paragraph 1   | Technical                  | 9        | <p>The paragraph outlines what the acceptance criteria of the building works should be. This is incorrect.</p> <p>The warranties set out in section 18B of the home building legislation outlines the warranties required to be complied with. There is</p> | <p>Delete: 2.3.6</p> <p>Replace with:</p> <p>The building shall be built to comply with the following criteria:</p> <p>(a) the work will be done with due care and skill and in accordance with the plans and specifications set out in the contract,</p>  |

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|                       |                     |   |                            |          | <p>voluminous litigation in relation to the statutory warranties and they have been tested extensively. As such, the wording in s18B of the HBA needs to be adopted to define a defect.</p> <p>As such the wording should reflect that the building should be constructed in accordance with the warranties set out in relevant state home building legislation. This a national document so the Standards need to refer to the domestic laws and requirements applicable in each state.</p> | <p>(b) all materials supplied by the holder of a contractor licence will be good and suitable for the purpose for which they are used and that, unless otherwise stated in the contract, those materials will be new,</p> <p>(c) the work will be done in accordance with, and will comply with, this or any other law,</p> <p>(d) the work will be done with due diligence and within the time stipulated in the contract, or if no time is stipulated, within a reasonable time,</p> <p>(e) when the work consists of the construction of a dwelling, the making of alterations or additions to a dwelling or the repairing, renovation, decoration or protective treatment of a dwelling, the work will result, to the extent of the work conducted, in a dwelling that is reasonably fit for occupation as a dwelling,</p> <p>(f) the work and any materials used in doing the work will be reasonably fit for the specified purpose or result.</p> <p>The sentence should now read:</p> <p>2.3.6 Acceptance criteria</p> <p>The building shall be built to comply with the</p> |

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|                       |                     |   |                            |          |                 | <p>following criteria:</p> <p>(a) the work will be done with due care and skill and in accordance with the plans and specifications set out in the contract,</p> <p>(b) all materials supplied by the holder of a contractor licence will be good and suitable for the purpose for which they are used and that, unless otherwise stated in the contract, those materials will be new,</p> <p>(c) the work will be done in accordance with, and will comply with, this or any other law,</p> <p>(d) the work will be done with due diligence and within the time stipulated in the contract, or if no time is stipulated, within a reasonable time,</p> <p>(e) when the work consists of the construction of a dwelling, the making of alterations or additions to a dwelling or the repairing, renovation, decoration or protective treatment of a dwelling, the work will result, to the extent of the work conducted, in a dwelling that is reasonably fit for occupation as a dwelling,</p> <p>(f) the work and any materials used in doing the work will be reasonably fit for the specified</p> |

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|                       |                     |   |                            |          |   | purpose or result.  |
| Section 2             | C2.3.6              | Paragraph 1   | Technical                  | 9        | The paragraph outlines what the acceptance criteria of the building works should be. This is incorrect and unnecessary.   | Delete: C2.3.6  |
| Section 3             | 3.2.1               | Paragraph 1   | Technical                  | 10       | The purpose of this report is to identify all defects in all areas.   | Delete: "or as otherwise agreed in the inspection agreement"<br><br>The sentence should now read:<br><br>The Inspector shall inspect the building elements in accessible areas of the property.   |
| Section 3             | 3.2.2               | Paragraph 1   |                            | 10       | The words "Inspector's line of sight and close enough to enable reasonable appraisal" is an arbitrary and vague expectation of what the inspector is required to do.<br><br>Further, the report needs to identify whether an invasive inspection is required to assess whether a defect exists and what is the appropriate scope. | Delete:<br><br>"and other areas that are within the inspector's line of sight and close enough to enable reasonable appraisal"<br><br>Replace with: "and report on all defects including identifying whether an invasive inspection is required to assess whether a defect exists, what is the appropriate scope to rectify is and identify any further investigation required."<br><br>The sentence should now read:<br><br>The inspection shall include only accessible areas |

| *Section <sup>1</sup> | *Section Identifier | Paragraph/<br>table/<br>figure/<br>commentary<br>/ note | *Comment Type <sup>2</sup> | *Page No | *Comment Detail  | *Proposed Change  |
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|                       |                     |   |                            |          |  | and report on all defects including identifying whether an invasive inspection is required to assess whether a defect exists, what is the appropriate scope to rectify is and identify any further investigation required.  |
| Section 3             | 3.2.2               | Paragraph 5   | Technical                  | 10       | Include a torch, ladder and harness in the access equipment, partly to assess fire separation has been completed properly. | <p>Include after the words “only where safe and reasonable access is available.”: The Inspector will be required to have any safety equipment required to inspect the property including a torch, ladder, harness for roof inspections, etc”</p> <p>The sentence should now read:</p> <p>The inspector shall inspect an area elevated above the ground and not intended for normal use by occupants only where safe and reasonable access is available. The Inspector will be required to have any safety equipment required to inspect the property including a torch, ladder, harness for roof inspections, etc.”</p> |
| Section 3             | C3.2.2              | Paragraph 1   | Technical                  | 11       | Also include a harness in the access equipment.  | <p>Include after the words “special access equipment”: (such as a harness)</p> <p>The sentence should now read:</p> <p>In such circumstances, an inspector may recommend the use of special access equipment</p>  |

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|                       |                     |   |                            |          |   | (such as a harness) and that a further inspection be undertaken when a safe means of access is present.   |
| Section 3             | 3.3                 | Table 3.3   | Editorial                  | 11       | The table is incorrect because it is a very restrictive list of the types of defects in a multi-storey building. The Inspector is required to identify all defects in all areas and identify the cause of the defect in order to properly rectify the defects. Providing a short basic list in table 3.3 will restrict the types of defects identified in the report. | Delete Table 3.3  |
| Section 3             | C.3.4               | Paragraph 1   | Editorial                  | 12       | The site record ought to be available to the client upon request of same.   | <p>Include after the words “provided to the client”:<br/>but ought to be available to the client upon request of same.</p> <p>The sentence should now read:</p> <p>This site record may or may not become part of the formal report provided to the client, but ought to be available to the client upon request of same.</p> |
| Section 4             | C4.2                | All   | Technical                  | 13       | C4.2 is a completely arbitrary list of things the Inspector   | Delete: C4.2  |



| *Section <sup>1</sup> | *Section Identifier | Paragraph/<br>table/<br>figure/<br>commentary<br>/ note | *Comment Type <sup>2</sup> | *Page No | *Comment Detail  | *Proposed Change   |
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|                       |                     | paragraphs  |                            |          | should not include in its report and defeats the purpose of the report.  |  |
| Section 4             | 4.2.4               |   | Technical                  | 14       | The purpose of this report is to identify ALL defects in all areas not just the overall extent of major or minor defects. It is also to identify the cause of the defect in order to properly rectify the defects. | <p>Include after the words “Significant items”: Any defect observed shall be identified in the report. The location and description of each defect, shall be recorded in the report. The report shall also identify the cause of the defect and a reasonable scope of works of rectification for each of those defects.</p> <p>The sentence should now read:</p> <p>4.2.4 Significant items</p> <p>Any defect observed shall be identified in the report. The location and description of each defect, shall be recorded in the report. The report shall also identify the cause of the defect and a reasonable scope of works of rectification for each of those defects.</p> |
| Section 4             | 4.2.4.1             | All paragraphs  | Technical                  | 14       | The purpose of this report is to identify all defects. It is also to identify the cause of the defect in order to properly rectify the defects.  | Delete: 4.2.4.1  |

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|                       |                     |   |                            |          | <p>There is no need for the Standards document to create new meanings for different types of defects. There should only be one definition of defects because ALL defects need to be inspected and reported on.</p> <p>As such any references to a distinction of major and minor defects needs to be removed.</p>  |                  |
| Section 4             | C4.2.4.1            | All paragraphs  | Technical                  | 14       | <p>The purpose of this report is to identify all defects. It is also to identify the cause of the defect in order to properly rectify the defects.</p> <p>There is no need for the Standards document to create new meanings for different types of defects. There should only be one definition of defects because ALL defects need to be inspected and reported on.</p> <p>As such any references to a</p> | Delete: C4.2.4.1 |

| *Section <sup>1</sup> | *Section Identifier | Paragraph/<br>table/<br>figure/<br>commentary<br>/ note | *Comment Type <sup>2</sup> | *Page No | *Comment Detail  | *Proposed Change |
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|                       |                     |   |                            |          | distinction of major and minor defects needs to be removed.  |                  |
| Section 4             | 4.2.4.2             | All paragraphs  | Technical                  | 14       | <p>The purpose of this report is to identify all defects. It is also to identify the cause of the defect in order to properly rectify the defects.</p> <p>There is no need for the Standards document to create new meanings for different types of defects. There should only be one definition of defects because ALL defects need to be inspected and reported on.</p> <p>As such any references to a distinction of major and minor defects needs to be removed.</p> | Delete: 4.2.4.2  |
| Section 4             | C4.2.4.2            | All paragraphs  | Technical                  | 14       | <p>The purpose of this report is to identify all defects. It is also to identify the cause of the defect in order to properly rectify the defects.</p> <p>There is no need for the</p>   | Delete C4.2.4.2  |

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|                       |                     |   |                            |          | Standards document to create new meanings for different types of defects. There should only be one definition of defects because ALL defects need to be inspected and reported on.<br><br>As such any references to a distinction of major and minor defects needs to be removed. |  |
| Section 4             | 4.2.8               |   | Technical                  | 15       | There also needs to be provision for the report to provide:<br><br>a. Basis/Cause of the defect<br>b. Photograph of defect or affected area<br>c. Proposed rectification scope of works   | Include after paragraph 4.2.8:<br><br>4.2.9 Cause of the defect<br><br>The Inspector shall provide an explanation of the cause of the defect including but not limited to what the Inspector saw, felt, heard or tested and any assumptions relied upon.<br><br>4..2.10 Photograph of the defect or affected area<br><br>The Inspector shall provide a photograph of the defect or affected area of each item. Further, the report should state the type of camera used.<br><br>If the Inspector is reporting on cracking they must include the measuring device in the photograph so that it is plain to see that the crack meets the |

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|                       |                     |   |                            |          |                 | <p>relevant measurement.</p> <p>4.2.11 Proposed rectification scope of works</p> <p>The report needs to set out a moderately detailed method of repair. For any item where it would be prudent to carry out any critical stage inspections during the rectification process, the Inspector will detail the stages in their scope of works, the times at which any such critical stage inspections should take place and what would be involved for each such inspection.</p> <p>An example of a moderately detailed scope of works for corroding corner angles is as follows:</p> <ul style="list-style-type: none"> <li>a. Allow for all appropriate preliminaries including: <ul style="list-style-type: none"> <li>i. Safe access arrangements.</li> <li>ii. Cordoning off work areas.</li> <li>iii. Protect adjoining surfaces.</li> <li>iv. If necessary, provide temporary access for affected unit occupants while works are proceeding.</li> </ul> </li> <li>b. Cut back render so that all existing corroding</li> </ul> |

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|                       |                     |   |                            |          |  | <p>corner angles are removed and disposed of.</p> <p>c. Supply and fix new corner angles. Corroded angle to be replaced edge to edge.</p> <p>d. Apply bonding agent prior to re-rendering.</p> <p>e. Seal and patch paint the new areas of render and re-painting affected walls from shadow line to shadow line to match existing.</p> <p>f. Make good any original surface finish affected as part of the works. Clean up on completion.</p> |
| Appendix B            |                     |   |                            | 18       | The inspector should be inspecting these areas   | <p>Delete paragraphs:</p> <p>(b) Heating and Ventilation</p> <p>(d) Electrical installations</p> <p>(f) Adequacy of roof drainage as installed</p> <p>(h) Air conditioning</p> <p>(s) control joints</p> <p>(dd) Specialist services</p>   |
| Appendix C            | C2                  | All paragraphs  | Technical                  | 20       | The purpose of this report is to identify all defects. There is no need for the Standards document to create new | Delete the entire C2   |

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|                       |                     |   |                            |          | <p>meanings or definitions for different types of cracking defects such as determining, appearance, serviceability or structural defects.</p> <p>There should only be one definition of defects because ALL defects need to be inspected and reported on.</p>   |   |
| Appendix E            | E2                  | Paragraph 1   | Technical                  | 24       | <p>The whole point of the inspection is to assess the construction to determine the extent of defects present and develop a scope of necessary rectification works and the estimated costs of such works. This is significant especially to determine the release of the amount of the construction bond.</p> | <p>Delete: “where agreed”</p> <p>The sentence should now read:</p> <p>The inspection is to assess the construction to determine the extent of defects present and develop a scope of necessary rectification works and the estimated costs of such works.</p> |
| Appendix E            | CE3.1               | Paragraph 1   | Technical                  | 24       | <p>The purpose of this report is to identify all defects. The Inspector will need to inspect ALL areas including areas within lots. Suggesting that the</p>   | Delete CE3.1  |

| *Section <sup>1</sup> | *Section Identifier | Paragraph/<br>table/<br>figure/<br>commentary<br>/ note | *Comment Type <sup>2</sup> | *Page No | *Comment Detail  | *Proposed Change   |
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|                       |                     |   |                            |          | inspector can only inspect a sample of areas is incorrect.   |  |
| Appendix E            | E4                  | Paragraph 1   | Editorial                  | 25       | The Inspector should be able to recommend specialist trades/consultants for defects they cannot properly assess. | Include at the end of the paragraph: “and should be recommended by the Inspector.”<br><br>The sentence should now read:<br><br>However, the Inspector shall be sufficiently experienced to know when a specialist inspector is required for some component of the work and should be recommended by the Inspector. |
| Appendix E            | E6                  | Paragraph (a)   | Technical                  | 25       | The report should identify ALL defects individually.   | Delete: “major and minor”<br>Delete: “or group of defects”<br><br>The sentence should now read:<br><br>The report shall identify the defect, provide the location of the defect, and describe the defect and the basis for determination that is the defect.   |
| Appendix E            | E6                  | Paragraph (f)   | Technical                  | 25       | The report should include a reasonable scope of works to rectify the defect.                                     | Delete: “Where agreed”<br><br>The sentence should now read:<br><br>The report shall include the scope of rectification works required.   |
| Appendix              | E6                  | Paragraph (g)   | Technical                  | 25       | The report should include an estimate of costs to rectify the  | Delete: “Where agreed”   |



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| E                     |                     |   |                            |          | defect.         | <p>The sentence should now read:</p> <p>The report shall include an estimate of the costs of rectification work required to correct the reported defects, and a summary of the costs of rectification.</p> |