

NSW fire certification to undergo a total overhaul after damning review



By [James Robertson](#)

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The state government says it will rewrite the law governing the way NSW buildings are certified after a damning review found practices for ensuring apartment fire safety were "totally ineffectual" and had caused unsafe buildings to be approved.

The government will announce on Wednesday plans to rewrite the Building Professionals Act in response to a review by former treasury secretary Michael Lambert.



The fatal blaze in a Bankstown apartment block in September 2012. *Credit:ABC News 24*

The nearly 400-page document, handed to the government last October and released previously in draft, is highly critical of the way in which commercial and apartment buildings in NSW are certified and deemed to be fire safe.

The government says it will pursue more than 70 suggested changes, including more frequent audits and checks against building owners from choosing and paying their own certifiers when such arrangements create a conflict of interest.



The Bankstown building where student Conne Zhang died in 2012. *Credit:Mick Tsikas*

The report comes against the backdrop of a record boom in apartment construction and recent high-profile incidents, such as a fatal 2012 Bankstown fire in an apartment block found to have been [bedevilled by certification problems](#).

Student Connie Zhang died in the Bankstown blaze. Her parents [called for changes to building regulations](#) after critical findings by the NSW coroner.

Mr Lambert's report found that generalist building certifiers alone were given too much responsibility for assessing safety and needed to draw on professionals with specialist qualifications.

"This need is particularly acute in the area of fire safety systems where it is vital that designing, installing and commissioning the system and certifying it have the proper expertise and are accountable.

"There is clear evidence of non-compliant and hence unsafe fire safety systems," the report finds. "The current system of compliance certificates ... is totally ineffectual and needs to be replaced."

A previous report by the Fire Protection Association [found up to 40 per cent of buildings in NSW](#) were in breach of fire rules and blamed unqualified contractors for the breaches.

The state government is promising a package of fire safety reforms to be released for comment early next year, including better annual checks for existing apartment buildings and more frequent inspections of large apartment blocks during construction.

The state government says it will consider having the design of fire protection systems certified only by contractors licensed by professional bodies.

Changes last year allowed Fire and Rescue NSW to take action for faulty certificates.

"These reforms will ensure safety and confidence in the system," said Victor Dominello, the Minister for Better Regulation. "NSW is experiencing a construction boom and it is imperative that we have first class certification laws that cater for current needs and future demands."

The government will first change the way data about certifications is collected and released, introduced as an amendment to existing law in the next month.

A raft of other changes is promised as part of new legislation to be introduced to Parliament next year, including new guidelines for how certifications are conducted and complaints are acted upon.

Mr Lambert's report states successive governments have put off the complex task of reforming certification laws.

The report found complaints about building certifiers were marked by "long delays" and often took between six months and one year to finalise.

About 1800 certifiers work in NSW but the review warned the system is under resourced and facing a looming potential future shortage and the absence of a professional culture and codes.

A 2012 survey by the University of NSW found 85 per cent of strata owners and committee members in buildings built after the year 2000 had identified two or more defects in their buildings. Three-quarters of respondents said these had yet to be fixed.

Most complaints related to leaks or cracking to structures, the review states, but it notes the research's sampling could be affected by selection biases.