

DEPARTMENT OF MINES, INDUSTRY REGULATION AND SAFETY — GOVERNANCE

Petition

HON NICK GOIRAN (South Metropolitan) [2.10 pm]: I present a petition containing four signatures, couched in the following terms —

To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We the undersigned support this petition, in the public interest, requesting an inquiry into the governance of DMIRS and residential/commercial building practices relating to compliance required under the relevant acts, regulations, codes, policies and public accountability as listed:

- *Building Act 2011*, when introduced, removed the authority for LGAs to inspect the construction of homes. This has placed all regional areas of WA at a severe disadvantage as the services of building inspectors, structural engineers and private building surveyors are not readily available. There is very little information available to WA homeowners about their responsibility to ensure that they employ a private building inspector, since this is no longer the authority of LGAs;
- Performance solutions can be provided when deviations from standards are engineered into a house plan and are required to be attached to the application to the LGA, but it appears this is not the case. They are not a remedy for defective noncompliant work;
- *Building Services (Registration) Act 2011* s29 requires all SAT orders to be registered but BEI have had a database restriction preventing the uploading of information on to the Register for the last nine years. This has only recently been remedied;
- Building inspectors who are undertaking work to identify such things as structural defects are not registered nor do they need any industry experience;
- Homeowner/public access to the Australian Standards was revoked from all national libraries approximately two years ago due to a breach and has not been restored. Access to Australian Standards details for the public is required;
- There is a lack of referrals to LGAs for noncompliant work when detected in site audit inspections by BEI inspectors. BEI inspectors do not have the power/authority to accept defective work, performance solutions and variations to a building contract without the homeowner's knowledge;
- Builders can choose to have their cases for serious offences dealt with by the BSB rather than SAT as the penalties are less than those at SAT;
- Since engineers and architects are exempt from Australian Consumer Law guarantees to provide a service fit for purpose, it is imperative that engineers and architects be registered in Western Australia;
- *Home Building Contracts Act 1991* s28 prevents builders from contracting out of their liability/warranty, as advised by WA Consumer Protection. However these waivers are being included in private contracts/agreements;
- The WA Government has been slow to implement the recommendations of the Shergold Weir report (2018), WA Auditor General reports and reports recommending the registration of engineers;
- Defective, noncompliant works detected or reported, and which breach *Building Act 2011* s27 and s37 requirements, are not being referred to LGAs or addressed adequately to protect homeowners;
- BEI and SAT processes and decisions are biased toward builders and routinely adversely affect homeowners.

We therefore ask the Legislative Council to support a committee inquiry addressing the matters raised and dependent on the findings refer this Petition's concerns to an appropriate authority for further investigation in the public interest.

And your petitioners as in duty bound, will ever pray.

[See paper 4647.]