



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON ECONOMIC DEVELOPMENT AND TOURISM
Mr Jeremy Hanson MLA (Chair), Mr Michael Pettersson MLA (Deputy Chair),
Ms Suzanne Orr MLA, Mr Mark Parton MLA

Submission Cover Sheet

Inquiry into Building Quality in the ACT

Submission Number: 31

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Prof M R Thornton
Chair
Manhattan Executive Committee

20 June 2018

Mr Jeremy Hanson MLA
Chair
Standing Committee on Economic Development and Tourism
ACT Government
CANBERRA

Dear Mr Hanson

Re: **INQUIRY INTO THE QUALITY OF RECENTLY CONSTRUCTED BUILDINGS
IN THE ACT: SUBMISSION**

This submission is made by the Executive Committee (EC) of the Manhattan Owners' Committee (OC). It is informed by the recent experiences of the Manhattan complex, Turner [REDACTED] in proceedings undertaken on behalf of the OC by the Construction Occupations Registrar & Ors against the builder of the apartment complex, [REDACTED]. It took eight years of protracted effort on the part of the EC to resolve problems arising from water ingress and a catalogue of other problems arising from the substandard work of the builder. This significantly impacted on the quality of life of owners and residents.

While Manhattan is grateful for the support by Access Canberra in finally securing a rectification order, the years of delaying tactics and obfuscation might have been obviated by more rigorous oversight of the construction process by the ACT Government from the outset.

There are many apartment buildings in Canberra and many more under construction. A single dwelling may be demolished to make way for a complex of 30-40 units, as occurred in the case of Manhattan. It therefore goes without saying that developers regard this type of construction as highly lucrative. In the absence of a sound regulatory regime, corners will inevitably be cut to maximise profits. Major flaws may not come to light until some years have passed and there are new unsuspecting owners. This occurred in the case of Manhattan where the problems of water ingress were preceded by a long period of drought.

The certifier

The EC is of the view that the use of fully privatised certifiers in the ACT is totally unacceptable, as is the right of developers to select their own certifier. The builder and certifier must be at arms length so that the independence of the certifier is not compromised.

Manhattan believes that a thoroughgoing regulatory system would go a long way towards obviating the current flaws in the system, particularly with regard to ensuring the independence of certifiers.

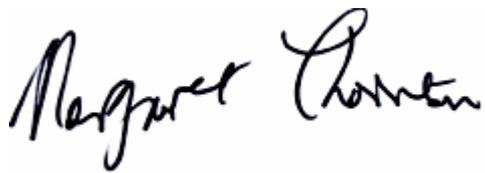
The EC submits that certifiers must be government employees, not private operators. To offset the cost to the public purse, developers should be charged the cost of engaging a qualified certifier at the time of planning approval, according to the size of the proposed construction, including the number of units.

Licensing of professionals and tradespersons

The absence of a licensing system for professionals and tradesperson involved in the building industry must also be remedied and brought into line with other parts of the country. This would overcome the problems for owners who have no recourse when developers argue that flaws in the construction are the responsibility of sub-contractors.

The EC submits that the *Construction Occupation (Licensing) Act 2004* be amended to license Architects, Engineers, Designers, Water Proofers, Fire Proofers, Carpenters, Painters and Concreters.

Yours sincerely

A handwritten signature in black ink, reading "Margaret Thornton". The signature is written in a cursive, flowing style.

Margaret Thornton