

THE DESIGN & BUILDING PRACTITIONERS ACT (DBPA) – Let's Make it Better

“WE NEED APPROPRIATE LEGISLATION TO ENSURE A STANDARD OF PROFESSIONAL SITE INSPECTIONS TO MATCH THE NOMINATED STANDARD ALREADY CREATED IN DESIGN.”

The whole industry is still coming to terms with the onerous requirements of the DBPA “Portal”. No one logically can disagree that this has been an important step forward. The cynics will say that the only people who really benefit from registered full liability of the design consultants are the lawyers, not the owners. This is because the rules are effectively limited to design only, even if that is not the intent. As built certification is not mandatory and that is the only thing that gives the owners protection. The reality is that good design is perhaps only 60% of the overall 100% of professional services required in order to have a building built correctly in accordance with all rules and regulations. I have raised this before with relevant persons both Federal and State when I was Chairman of the MDC Committee of IEAust in 2012.

The “Resident Engineer” and the “Clerk of Works” are names originating from before “Design and Construct” i.e., the 1980s (33 years ago). In those days, the clients often paid for those site personnel at direct cost only (i.e., they paid the salaries). In 1983, I was working in the U.K. I was an Associate working for a consulting engineering practice and I was their representative responsible for the structural design of a 30-million-dollar shopping centre in Basildon (1980s price). I had five Resident Engineers on site (one senior plus four assistants). They inspected everything and the company certified “as built” without question, as was expected. In 2002, now in Australia, my company was responsible for the design of a shopping centre/residential development in Sydney. We had two engineers, visiting only, not permanent, in order to provide design certification only, “not as built”. I remember that their principle role was to handle design variations and to assist the steel fixers to understand the drawings. We wonder why we have problems in the industry? The key point is that we will not get buildings built correctly until we have legislation to ensure an appropriate level of professional site supervision becomes mandatory in order for meaningful as built certification to be completed. On large projects, both the Resident Engineer (acting on behalf of the design engineering consultant) and a Clerk of Works (acting on behalf of the Architect) should be permanently on site.

For the last two years, our company has changed its tender design fee proposals, increasing the number of visits allowed to suit DBPA. However, the main builders almost always reduce the number allowed. All consultants have to respect market forces. Having already used up visits allowed on certain projects, since Christmas 2022, we are now offering free site visits in excess of the contract allowance. The agreement is that we will only charge the builder if we find faults in the work while on site. We have actually had a very positive response on two projects. This is a stop gap measure pending DBPA revision of rules and regulations. I know that a number of the major consulting engineering firms refuse to become involved in DBPA because they cannot protect their risk. The system needs to be tightened up as soon as possible in the interest of all parties.



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