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Senate Inquiry into non-conforming building products
Dr Kathleen Dermody
Committee Secretary
PO Box 6100
Parliament House
Canberra ACT 2600

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Dear Dr. Dermody

My apologise for this late submission however was not aware of inquiry until very recently.

**TERMITE MANAGEMENT SYSTEMS NOT CONFORMING WITH BCA
REQUIREMENTS**

Background

I am a Qualified Building Certifier with over 40 years experience in the Building Industry. Regulatory Authorities have specific instructions and specifications (Building Code of Australia) that the Building Certifier must enforce before they can give the final approval that the building construction has met and complied with the Building Code of Australia requirements which includes all relevant Australian Standards.

The Building Certifier is the final authority on correctly interpreting the Building Code of Australia and applying it correctly and as such bears the relevant responsibility and liability.

The Building Certifier is totally reliant on the accuracy of the instructions contained within the Building Code of Australia and Australian Standards.

Anomalies contained within the Building Code of Australia can have detrimental effects on all parties involved including Builders, Home Owners, and Building Certifiers etc.

The Australian Standards on which the Building Code of Australia were drafted utilising the expertise available at that time which included manufacturers, Building experts, major pest control companies etc. and as such wording tended to contain a bias toward particular interest groups. An example of this is AS3660.1-2000 graded stone/ woven mesh and referring to these methods as termite barriers when in fact they did not prevent termites entering the building or provide a barrier they only diverted the migration path of the termites from the concealed areas of the building to an exposed external face of the building where their presence must remain exposed on the surface of the inspection zone "AS3660" for a distance of at least 75mm to allow for visual detection.

It took many years of constant lobbying, correspondence and the formation of a Termite Action Group and relentless pursuit before the ABCB would accept there was a problem and finally rectified it. These systems are no longer referred to as Termite Barriers and are now referred to as Termite Management systems.

The Inspection Zone and the specified regular visual inspections are the crucial elements of these systems and without these the systems would be ineffective.

The anomalies in the Building Code are not limited to this example and may encompass all areas of the Building Code of Australia the Australian Standards.

Overview

The Building Code of Australia encompassing the Australian Standards is the instructions or the theory for the Building Certifier. The Building Certifier is the front line and the final judge to ensure these instructions are applied in practice.

In theory the instructions may appear plausible however in practice the Building Certifier may discover that the instructions are not possible or flawed often to the detriment of the consumer.

Inspection Zone AS3660.1:2014, 1.4.1.6

The most crucial component and the main purpose of these Termite Management Systems and an Australian Standard requirement is the formation and provision of an Inspection Zone as part of these systems to allow for visual detection of termite activity to allow for subsequent eradication. The CodeMark regulatory system accepts that these systems achieve the function of forcing termites to the exposed face of the building however they do not address the formation and effectiveness of the visual Inspection Zone and therefore the CodeMark Certificate of Conformity often only represents formation of a partial Termite Management System with no or a flawed Inspection Zone.

Since 1995 with the banning of Organochlorine's and the introduction of these Physical Termite Management Systems the incidence of termite activity in buildings has had a significant increase possibly to the alarming estimate of one in three buildings encountering termite problems.

If the CodeMark evaluations are correct and the current systems are successful in forcing the termites to the inspection zone then it can only be considered that the problem relates to the effectiveness and monitoring of the Termite Inspection Zone.

The problem with the Building Code of Australia instructions is that the Australian Standards on which the Building Code is based do not clearly define the specifications for the formation of an effective Inspection Zone.

The Inspection Zone in the Australian Standards is specified as AS3660.1-2014. 1.4.1.6 Inspection zone

“An unobstructed space over which termites have to cross or pass in order to gain access to a building or structure and, as a consequence, reveal their presence during visual inspection.”

With current methods termites are able to bypass this area by mortar joints, extrusions, cavities holes and voids, construction joints etc. and therefore can avoid meeting the requirement of crossing or passing over as required in the Australian Standards.

It would be obvious even to those unskilled that unless the termite inspection zone is **termite resistant** then at any vulnerable points within the inspection zone termites can bypass the system by penetrating in the area and the inspection zone and therefore deny the home owner a reasonable opportunity of detecting termite activity and therefore afford them no effective termite protection on the building.

There are simple methods to ensure the Inspection Zone can be termite resistant.

We have been lobbying ABCB, Australian Standards, and QBCB for many years. (Can supply supporting documentation).

To rectify this situation and ensure that the systems comply with the Australian Standards is simply a matter to include the words termite resistant into the definition of the Inspection Zone i.e.

“An unobstructed termite resistant space over which termites have to cross or pass in order to gain access to a building or structure and, as a consequence, reveal their presence during visual inspection.”

The regulatory authorities refuse to do this irrespective of all our submissions, expertise and evidence to the detriment of the home owner and Building Certifier.

50 Year Design Life (Exclusive to Queensland)

In Queensland there is a 50 year Design Life requirements on many of these systems. The final responsibility again rests with the Building Certifier. These systems consist of a combination of components including the building slab, mortar, bricks/blocks, nails adhesives/parge, silicones or

mastics, termite resistant sheeting etc. however the only assessment on the 50 year Design Life generally only relates to the sheeting product and not the effective life of all components required to complete the systems. The building Certifier cannot rely on the contents of any CodeMark Certificate of Conformity as being comprehensive as the majority only relate to a portion or partial system and not that the complete system meets all the specifications of the Building Code of Australia and the Australian Standards and may not meet the requirements as specified by the APVMA.

The Problem

There is no effective procedure for the Building Certifier or other experts to convey detection of deficiencies in the formulation of the Building Code of Australia for addressing and rectification of problems and from personal experience and the experience of others it is currently virtually impossible to get any remedial action to the problems by those responsible and this will only be achieved by many years of persistent lobbying if at all.

If the cost of instituting these amendments rest with the person submitting the changes then this will be totally counterproductive and may result in Standards that lack credibility and accuracy.

Rectification

Develop procedures to address these issues which are fast, efficient and provide effective outcomes based on scientific and expert decisions including an immediate method of ongoing amendments and notification to affected parties.

Yours Sincerely

Tony Kennedy