FW: Northern Australia Insurance Enquiry

From:

To: Insurance <insurance@accc.gov.au>

Cc: Date:

Wed, 15 Nov 2017 11:42:45 +1100

Attachments:

Capability Statement

Attention: ACCC Deputy Chair - Delia Rickard & Commissioner Mick Keogh

Delia and Mick,

RE: NORTHERN AUSTRALIA INSURANCE ENQUIRY

We are experienced building consultants and as an expert witness for building disputes, some of which involved building insurance claims, we are well-placed to provide quality information to your enquiry.

Please receive the attached updated submission which was presented to the Sen Nick Xenophon – Senate Insurance Enquiry in April of this year. This is only one half of the problem, the other half is when the insured endeavour to make a claim for damage to their properties which has occurred during the severe weather event.

Furthermore, I will be in attendance at the Townsville forum this evening.

Kind regards,

Stephen Malcolm Managing Director









MBAO Institute of Building Consultants 2017 Award Winner

INSURANCE ENQUIRY SUBMISSION
15 NOVEMBER 2017

To ACCC Deputy Chair Delia Rickard and Commissioner Mick Keogh,

RE: NORTHERN AUSTRALIA INSURANCE ENQUIRY

We trust that this submission to the enquiry can be included with other submissions.

By way of introduction and our credentials, please see the attached Capability Statement.

We are Townsville based building consultants and therefore regularly provide reports for buildings which have been affected by a tropical cyclone event and/or torrential rainfall.

A Building Consultant is not a well understood or appreciated professional and is unknown to most of the public who, by comparison, generally have an understanding of the roles that structural engineers or architects play in the construction industry.

However, building consultants who are often called upon to provide expert witness reports during a building dispute legal process and also play a vital role in the building insurance industry both, for the assessment of the insurance premiums that building owners pay and also in the aftermath of a catastrophic natural event. Building consultants prepare reports which detail the property damage caused by a tropical cyclone or other natural disaster events including the estimate of repair costs upon which the insurer and other parties make assessment as to the payout sums, to the insured. Some of our clients our body corporates and we regularly calculate and prepare **Insurance**Valuation reports for strata/apartment complexes in the Townsville region of North Queensland.

SUBMISSION

Our submission will be provided in two parts, a **description of the problem** and then a **detailed proposed solution to the problem,** as follows:

THE PROBLEM

We will address building insurance as it applies to Queensland strata buildings first of all as there is a mandatory requirement under strata legislation to a) purchase building insurance and, b) base the building insurance premium on the "full replacement value" for the buildings. Please refer to the attached extracted pages of the Queensland – Body Corporate and Community Management (Standard Module) Regulation 2008, which legislates, and therefore mandates the requirement of insurance companies to base the assessment of the building insurance premiums, invoiced to the insured upon the following, "a body corporate must ensure 1 or more buildings for full replacement value."

The implication is, that the full replacement value (monetary calculation) is a direct measure of the monetary risk to the insurer (the damage bill) in the event of a tropical cyclone or flooding, which it is not!

I would ask the question, "Compared to the thousands of claims for repairs as a result of damage caused by severe weather events, when was the last time that an insurance company was required to provide **the full replacement** of a strata building?". I would be surprised if there was even one property in the last 10 years!

The best example I can give to demonstrate the flawed reasoning behind this institutionalised policy, is as follows:

a) I own an investment property for future development, the **building insurance premium for which, costs \$1600 per annum**.

The single house at the property is an old high set timber framed Queenslander with a rusty corrugated iron roof. Under the latest planning scheme, the property is subject to flooding and would probably burn down before the fire brigade arrived on the scene. I also doubt whether the roof sheeting and indeed the entire house itself, would remain upright in the event of a peak design cyclone event.

Compared with:

b) My friend, who is a retired engineer lives in a house to which you would go to find refuge if in a

war zone.

The two storey house has reinforced concrete floor slabs, 300mm thick concrete block work reinforced concrete walls and a steel deck roof and is located on Castle Hill overlooking Cleveland Bay. All of the windows have external remote control steel cyclone shutters which were activated when Townsville appeared to be at risk of Cyclone Debbie finding landfall here.

This house is not subject to flooding and a fire would have very little effect on the building but would definitely not the require the full replacement of the house.

What further mitigation measures could my friend action that would increase the resilience of the property against a cyclonic wind or monsoonal rain storm event?

The building insurance premium of this house, costs \$6500 per annum.

Tony Raggatt's article titled **Premiums in spotlight – ACCC sure forums will spark insurance reforms** in today's Townsville Bulletin, highlights the disparity between strata properties and residential properties in North Queensland. The article advises that, "The Australian Government Actuary found average premium rates for strata properties increased 300% between 2007 and 2012 in the North but only about 80% for residential and contents policies in the same area. The actuary found strata insurance at Darwin increased about 60% in the three years to 2012-13 and between 60 and 100% for residential insurance in northern Western Australia in four years to 2015."

Why the disparities, you ask?

It is because of the flawed institutionalised policy of assessing the cost of building insurance, based on "THE FULL REPLACEMENT VALUE" of the building. THIS IS THE PROBLEM!

This has created an unfair system where many insured are subsidising the insurance and therefore the risk, of those who are paying significantly less for their properties – properties which are at a far greater risk and cost of repairs in the event of a severe weather event.

I quote a recent media release on this issue as follows, "Insurance companies have estimated that mitigation actions that build property resilience and prevent damage could reduce insurance premiums by up to 20%."

What is wrong with this statement?

This is what is wrong with this statement:

- * The word "could"! There is not one insurance company who can guarantee the insured, if \$20,000 were spent for example on mitigation measures, the works will achieve insurance premium reductions equal to, or in excess of 20%. In any case, It would take many years to claw back that \$20,000.
- * Insurance companies are a commercial enterprise, not a moral enterprise. Insurers have not provided details as to how the insured might achieve a satisfactory commercial outcome if they engage in their much hyped property resilience and mitigation proposals.
- * However, the overriding issue is the fact, particularly for strata buildings, that the cost of
 the insurance premium is mandated to be assessed ONLY on THE FULL REPLACEMENT
 VALUE of the building/s. Therefore, it is irrelevant what mitigation actions are taken to
 improve property resilience, as the insurance premium is still required to be assessed on THE
 FULL REPLACEMENT VALUE. Why should my friend be paying 400% more in insurance
 premiums, than what I pay for an old dilapidated house that is ready to be bulldozed.
- * It is obvious that the above-mentioned media statement is only a smoke screen or worse, it is designed to deflect attention away from the real issue.
- * Insurance premiums based on FULL REPLACEMENT VALUE is also flawed in that it has no relevance to the monetary risk that the insurer is exposed to from damage caused by severe weather events.

THE PROPOSED SOLUTION

Is there a more accurate method which is fairer and more reasonable, of assessing the damage bill caused by severe weather events. **Yes there is!** The solution is simple!

If the damage bill to a building, as a result of a peak design cyclone or severe weather event could

be estimated with a reasonable degree of accuracy, this would provide an **authentic measure of the monetary risk to the insurer.**

These type of building investigations, assessments and cost estimating are the **core professional** capabilities of building consultants.

Hundreds of thousands of dollars has been expended upon the services of specialist engineers to arrive at a solution however, the one building practitioner that appears to have been left out of the debate and therefore the solution to the problem is – **the building consultant.**

So instead of a building consultant preparing **an Insurance Valuation (Full Replacement Value) report**, the building consultant should be preparing **an Severe Weather Damage Estimate report.** Under a severe weather Damage Estimate report, mitigation measures that are undertaken to a property to improve resilience to potential damage caused by severe weather events, will see those efforts rewarded in the insurance premium cost reductions.

COMMENTS

Furthermore, should vested interests advise the enquiry committee that what we are proposing is not achievable or we can't provide a reasonable degree of accuracy, I would say to those detractors that my Professional Indemnity Insurance says otherwise.

In the event that we were given more opportunity and resources, substantially more hard data would be provided that exposes to a greater degree, the current crude methods adopted by the insurance industry to arrive at the absurd insurance premiums that the insured are required to pay. Also, we would provide example Severe Weather Damage Estimate reports for a variety of buildings and locations as part of the proposed study.

The main object for insurers, for all types of insurance, is making an accurate assessment of risk or, the dollar value of exposure to a claim. Know the risk, then the insurance premium can be calculated/costed.

What we are proposing is to simply identify, in a far more relevant way, the actual monetary risk to the insurer so that the premiums payed by the insured are fair and reasonable.

Trusting that the above information is satisfactory for your purposes.

Furthermore, I would be happy to give some of my time to discuss the above-mentioned proposal in more detail and field any questions that the Deputy Chair and Commissioner may have.

Yours faithfully,

Stephen Malcolm Managing Director Abscan Pty Ltd – Building Consultants





Professional Project Managers
Architectural Documentation
Contract Administration







COMPANY INFORMATION

Company Name Abscan Pty Ltd

Trading Name Abscan Building Consultants

ABN 59 101 191 235
ACN 101 191 235
Business Number BN20888478

Date of Incorporation 29 July 2002

Registered Office 59 Bundock Street

Belgian Gardens QLD 4810

Address for Service of Notices PO Box 184

Belgian Gardens Qld 4810

Telephone Number (07) 4721 5244 **Facsimile Number** (07) 4721 4607

Email Address <u>enquiries@abscan.com.au</u>



INTRODUCTION

Stevnita Pty Ltd trading as Steve Malcolm Designs was established at Townsville, Queensland in 1991 and, Abscan Pty Ltd inaugurated in July 2002.

Abscan Building Consultants provides services for:

- **✓** Building Contract Documentation
- ✓ Project Management
- ✓ Contract Administration
- ✓ Property Development

Our other companies are Stevnita Pty Ltd - Building Designers and Stevnita Pty Ltd - Builders.

Building Consultants

Abscan Building Consultants provide building inspection reports such as asbestos audits, body corporate reports, pre-purchase house inspections, commercial inspections and expert witness reports for building disputes.

Our services are sought after by many of the prominent commercial lawyers in Townsville and bodies corporate for the preparation of building reports. Our reports have a high technical information content referenced to the Building Code of Australia, Australian Standards and manufacturer's specifications.

We have been engaged by multinational companies like Seymour Whyte and Abbey Group for the onsite inspection and preparation of dilapidation surveys.

For example, we were commissioned to undertake dilapidation audits for Douglas Arterial Duplication of 340 buildings including parts of the Townsville Hospital, CSIRO and the Ross River Bridge.

Abscan was also recently engaged by Laing O'Rourke contractors on the \$180 million Stockland Townsville redevelopment for a range of building consultancy services including the use of Ground Penetrating Radar for identifying sub-surface drainage, water and electrical services.

Building Design & Documentation

Upon his arrival in Townsville in and subsequent to studying for a Bachelor of Architecture at Royal Melbourne Institute of Technology, Stephen was employed at Macks & Robinson - Architects as a draftsman and then Plante & Associates Architects for three years as the senior designer.

As a result of the Pilots Dispute of 1989 many architects found themselves out of work. It was at this time that Stephen began his own practice and found a strong demand for his talent for producing cost effective buildings with aesthetic appeal.

Some of our portfolio of work is attached in the following Capability Statement.

Since its inception Steve Malcolm Designs has experienced solid growth and continued to pursue a design consultancy model of professionalism, quality and reliability. Over the past years Steve Malcolm Designs has designed and documented projects in the North Queensland region. Projects span all areas of construction including commercial, industrial, residential, tenancy fit-outs and medium rise projects.



Builders

Traditionally Stevnita Pty Ltd – Builders has provided construction services for our in-house development and joint venture projects.

The company's office is located in 59 Bundock Street, Belgian Gardens where all commissions for design, planning, documentation, contract administration, and building supervision undertaken for a variety of projects and building related services.

REGIONS SERVICED

- North Queensland
 - Townsville
 - Mackay
 - Cairns
 - Mount Isa

PHILOSOPHY

- ▶ The philosophy of Abscan Pty Ltd is a commitment to innovative design and practical solutions with a high level of client and user satisfaction.
- We believe our personnel are our greatest asset and have built a team of knowledgeable dedicated professionals.
- Our expertise in design, building, planning and costing of major projects has been attractive to investors as joint venture partners. This same expertise has seen our project management proficiencies help achieve the desirable outcomes for many medium to large construction or renovation projects.
- Abscan Building Consultants believes the value of its project management skills lies in its ability to grasp a detailed understanding of its clients' requirements and to provide the pro-active services to deliver on these requirements, while communicating and engaging with stakeholders in a clear and concise manner. To this end, the company focuses on defining the client's objectives from the outset, and designing the appropriate level of service to meet those objectives, while delivering the best possible value for money. Its project management services can be provided at every phase of the project including concept design development, feasibility analysis, development approvals, design, contract documentation, contract administration and post completion. Services include the management of all elements such as scope of works, programming, budget, quality, communications, risk and procurement.



LICENCES/QUALIFICATIONS

Licences and Qualifications

BSA Contractor Licence: License No: 66238

Building Design

Builder - Open

BSA Contractor Licence: License No: 1010402

Completed Building Inspections Termite Management - Chemical

BSA Supervisor Licence: Licence No: 19640

Building Design

Builder - Open

Completed Building Inspections

BSA Fire Occupational Licence: Licence No: 19640

Emergency Procedures (Occupational)

Fire Safety Adviser Accreditation – Stephen Malcolm Number: 030146 Number: 01830596

Workplace Health & Safety Officer

Asbestos Removal Qualifications

WHS Removal of Friable Asbestos Containing Material Number: 2254175

Supervise Asbestos Removal (AR2) - Class A Verification No. AR2-1058

WHS Bonded Asbestos Removal Certificate Number: 01918028

Memberships

Qld Master Builders Association – Member No: 01790

- Institute of Building Consultants Member No: 01790
- Asbestos Industry Association Member
- Fire Safety Adviser Network Membership Stephen Malcolm Licence Number 000786
- Community Titles Institute of Queensland Industry Associate
- **Building Disputes Practitioners Society**



INSURANCES

PUBLIC & PRODUCTS LIABILITY INSURANCE

Insurer: CSU

Limit of Liability: \$ 20,000,000

Policy Number: 83M/S1314479

Expiry Date: 28/02/2017

PROFESSIONAL INDEMNITY INSURANCE

Insurer: CGU

Limit of Indemnity: \$ 1,000,000

In Aggregate \$ 1,000,000

Policy Number: 83M/S1314479

Expiry Date: 28/02/2017

WORKERS COMPENSATION INSURANCE

Insurer: Workcover Queensland

Policy Number: WHA030846118

Workcover Code: 782313

Expiry Date: 30/06/2017



CLIENTS

Our clients include many of Townsville's prominent companies who remain referees to our performance. We have excellent working relationships with all local authorities and statutory bodies involved. Included are the following listed past and present clients:

- Aurizon (QR National)
- Townsville City Council
- John Gribbin Realty
- Body Corporate Services
- Queensland Rail
- Townsville Port Authority
- Catholic Education

- Lang O'Rourke
- Channel 7
- Willaire Pty Ltd
- Seymour Whyte
- Southern Cross Media
- Department of Main Roads

PERSONNEL

STEPHEN MALCOLM | Managing Director

The principal of the company, Stephen Malcolm has built the practice into one of North Queensland's leading building consultancy and project management companies. He was engaged as a senior designer for one of two architectural companies he worked for over a period of seven years before commencing his own business in 1989. Stephen's management skills oversee all operations of the inspection, reporting, documentation and contract administration. Stephen has eight BSA Licences and other building consultancy qualifications.

- BSA 66238 / 19640
- Associate Diploma of Applied Science (Architectural Tech.)
- Member of Institute of Building Consultants QMBA
- · Regional Judge North Queensland for the annual Master Builders Association awards

BRIAN GUTHRIE | Co-ordinator

Brian has work history covering many areas of the Engineering profession including, general aspects of engineering, Government Services, CEO of Townsville City Council, Board of Local Government Infrastructure Services Queensland.

- Civil Engineering Degree
- · Economics Degree
- Master of Systems Engineering Degree
- Qualified Company Director
- Experience on various Boards past and present and advising Members of Parliament, Mayors and Councillors



MICHAEL MALCOLM | Senior Draftsperson / Asbestos Assessor / Dilapidation Surveys

Michael has excellent CAD drafting skills acquired over nine years of industry experience. He has responsibilities for developing presentation drawings, contract drawings and details, site investigation services, accessing information from local authorities and liaising with engineers, surveyors and other consultants.

- 9 years industry experience in the preparation of residential and commercial construction drawings.
- Camera mounted drone operator and technician
- Preparation of Fire Evacuation Diagrams, undertaking on-site asbestos inspections, sampling and report writing and conducting dilapidation surveys

TERENCE PRICE | Building Consultant

Terence has a Bachelor of Applied Science (Building), Diploma of Property Operations and "B" Class Asbestos Licence. He has extensive qualifications and experience in Facility Management and all aspects of building and mechanical operations, including building inspections and reporting.

- BSA 24002
- Bachelor of Applied Science and Mechanical Licence No. 40634
- Registered Builder (QLD) with Nominee Supervisor Licence No. 24002

ANTHONY WALTON | Graduate Civil Engineer

Anthony has a Bachelor of Science (Civil Engineering). He has qualifications and experience in Development Management and Analyst & Consultant Engineering.

- Bachelor of Science (Civil Engineering) May 2012
- Extensive AutoCAD experience (incl. Auto-TURN)

ANITA MALCOLM | Accounts and Administration Manager

Anita's primary role in the company includes accountancy, financial control, credit control, word processing and provides a support role to the Managing Director in areas such as marketing and office management. She has completed a number of commercial courses including management and computerised accounting.

accounts@abscan.com.au

KARA HEIKKINEN / Personal Assistant to Managing Director

Kara is the Managing Director's personal assistant, as well as Abscan's chief building report consultant. She is competent in completing all types of building reports, including defect reports, tribunal dispute reports and has extensive experience in collaborating with clients and contractors to ensure that the client's needs and deadlines are met.

enquiries@abscan.com.au

KRISTY BEER | Administration Officer

Kristy is the company's Asbestos & Fire Safety Executive who has extensive experience in the asbestos consultancy field, which includes being up to date with the latest legislative requirements, liaising with clients in relation to their needs and obligations, quoting and reporting asbestos inspections, reading and analyzing air filters, and preparing sample for electronic and laboratory analysis.

admin@abscan.com.au



AWARDS

1999

Q.M.B.A – Div Tourism & Hospitality up to \$3,000,000 Southbank Function Centre – Palmer Street, South Townsville

1996

H.I.A – Medium density over \$100,000 per unit project 4 Home Unit Development – Lindsay Street, Rosslea

1995

Q.M.B.A – Commercial Building up to \$2,000,000 Regional Project of the year National Australia Bank – Aitkenvale, Townsville

1994

Q.M.B.A – Division 5 House additions, alterations and restorations over \$250,000 Renovation House – Stanley Street, North Ward



PORTFOLIO – BUILDING DESIGN, DOCUMENTATION AND DEVELOPMENTS

Project Address	Description	Value at Completion	Completion
20 Landsborough St, Castle Hill (S & A Malcolm)	Luxury House	\$1,600,000	October
	Built on hillside with views over the bay and Magnetic Island - three levels, a lift and swimming pool including an award winning kitchen. Granite rock was required to be blasted out prior to constructing the reinforced concrete house.		2008
	Delivery Services:		
	Design, Planning, Subdivision, Contract Documentation and Construction		
	6 U. M.		
"Leonta	10 Unit Development and Subdivision	\$3,150,000	June
Apartments" 38 Percy Street, West End	Three storeys with swimming pool consisting of 8 x 2brm and, 2 x 3brm new units, and 1 house renovation. Constructed on time and \$100,000 under budget.	2006	2006
(Stevnita Projects Pty Ltd)	Delivery Services:		
	Design, Planning, Contract Documentation and Construction		



\$800.000

91 B	undoc	k St,
Belg	jian Ga	rdens

Shops & Townhouses

planning requirements.

Mixed Retail / Residential Development of 2 Shops at front and 3 townhouses at rear of the property. We

15 May 2005

(Peter Toumazou)

Delivery Services:

Design, Planning, Contract Documentation, Tender, Contract Administration, Post Completion.

liaised with the client to meet all design and



10 Paxton St, North Ward

12 Units Renovation

\$1,500,000

Nov 2003

(Karla NQ Pty Ltd & Stevnita Pty Ltd A/T SDT) An existing 12 unit renovation, with alterations to car parking, store rooms, supply new interior fixtures and fittings, interior and exterior paintwork, added decks and fully landscaped gardens to all units.

Our design included all joinery works, materials and colour selections.

Delivery Services:

Design, Planning, Contract Documentation, Tender, Contract Administration, Post Completion and Construction Services.





Multiple Unit Terraced Development

Luxury apartments with sea views including 2 x 2brm renovated units, 2 x 3brm, new units, 1 x 4brm penthouse.

Delivery Services:

Design, Planning, Contract Documentation, Tendering out to sub-contractors and Construction





\$1,835,000 Nov 2003

Pty Ltd & Stevnita Pty Ltd)

(D&M Distributors

"Toscana

Terraces",

North Ward

304 Stanley St,



\$180,000

Overpass Bridge
Railway Avenue,
Railway Estate

Overpass Bridge

Pedestrian overpass bridge.

Delivery Services:

Concept Design and Artist Impression.

(Department of Main Roads – Qld)





\$2,500,000

May 1999

Nov 2003

Rydges Hotel -Southbank Function Centre,

23 Palmer St, South Townsville

(Pierre Properties Pty Ltd)

Conference Complex

We were presented with a brief to design a Function Centre with a "Grand Colonial" theme of two storeys for weddings, seminars, promotions etc at first floor. Facilities include two restaurants and car parking at ground floor complete with a connecting lift. The complex boasts state of the art commercial kitchen and A.V. equipment including an eloquently presented bar area and breakout lounge leading onto tiled verandahs.

Delivery Services:

Design, Planning, Contract Documentation, Consultancy Services during works progress





Red Rooster Store & Shops – Corner Bamford Lane and Charles Street Kirwan

Retail Complex

A retail complex comprising of a standalone Red Rooster Store and other retail space in two buildings. Our design included all joinery works, material and colour selections to the Red Rooster Store.

Delivery Services:

Design, Planning, Contract Documentation, Tender, Contract Administration, Post Completion

(Aranda Park Pty Ltd)





\$1,500,000

June 1996



\$1,600,000

Office Building – (NAB Bank) 21 Walker St, Townsville

(Mactrac Pty Ltd)

Commercial Building

The 3 Storey level including car parking at ground level and two levels of office space was occupied by the NAB.

Delivery Services:

Design, Planning, Contract Documentation, Consultancy Services during works progress





\$3,000,000

Nov 1994

Sept

1995

National Australia Bank, 315 Ross River Road, Aitkenvale

(Willaire Pty Ltd)

Prestige Commercial Building

We were presented a brief to design a 2 storey building with the NAB as the major tenant including space for additional office tenancies. It also included curtain wall glass windows and a lift . We liaised closely with the interior fit out designers appointed by the NAB.

Delivery Services:

Design, Planning, Contract Documentation





Centrelink 307-311 Ross River Road, Aitkenvale

(Willaire Pty Ltd)

Retail/Office Building

This tilt up panel constructed 2 storey complex complete with lift and underground parking consists of 4400m2 of retail space. We liaised with the tenant's fitout designers to meet all of their requirements. We experienced a difficult planning approval process in establishing the project.

Delivery Services:

Design, Planning, Contract Documentation, Tender, Contract Administration, Post Completion.



\$2,800,000

Nov 1994



\$1,400,000

"Harbour City",
3 The Strand,
Townsville

(Willaire Pty Ltd)

Seafront Unit Development

We were presented with a brief to design 30 units of three storey walk ups on the site which could not be achieved on the available land. As an alternative I presented schematic drawings of a 10 storey 38 unit complex with 2 top floor penthouses, which were both sold within one week.

Delivery Services:

Schematic Design, Sale off the Plan Drawings, Planning Application with Approval.





Channel 7 Office Building

131 Denham St, Townsville

(Channel 7)

Commercial Building

Two storey offices complete with basement car parking. We liaised with the client to meet all design and planning requirements. We were also commissioned for the interior design and documentation for the Suthers and Taylor lawyers tenancy.

Delivery Services:

Design, Planning and Contract Documentation for Construction, while working as Senior Designer for Plante & Associates Architects.





\$3,200,000 June

1993

1989

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