

Policy: Repairs, Maintenance, Construction and Renovations

Purpose

The purpose of this document is to outline the following:

Repairs and Maintenance

- Determine who should manage repairs and maintenance depending on size, complexity and the capability of the customer and stakeholders;
- Triggers for work to be undertaken;
- Scoping the works;
- Budget availability;
- The use of suitably licenced builders and contractors;
- Seeking quotations;
- Delegation approval;
- Managing on-going contracts;
- Contract use and conditions;
- Confirmation of satisfactorily completed work and payment

Constructions and Renovations

Outlines how this work is to be project managed, including the decision to manage the project internally by Property Services, or externally by a Project Manager/Building Consultant. It also covers:

- How budgets should be allocated
- How suppliers appointed and performance managed
- How complaints and disputes handled
- Insurance requirements
- Payments authorised
- Communication managed.

Policy statement

Repairs and Maintenance

All identified repairs and maintenance that are the responsibility of NSW Trustee & Guardian are to be managed in a timely manner. The management of repairs and maintenance is imperative to good financial management principles and the laws relating to deceased estates, trusts and agencies to ensure the continued value of the asset. **NSW Trustee & Guardian is only authorised to manage repairs, maintenance and construction and enter into residential building contracts for customer owned properties.**

Suitably licensed tradespeople are to be engaged to undertake repairs and maintenance. Consideration is given to licensed tradespeople who have been nominated to undertake the task by a customer or stakeholder. Inspections are to be undertaken or certification provided to check that repairs have been satisfactorily completed. Customers and stakeholders are also encouraged to provide feedback on repairs and maintenance undertaken and to confirm that works have been completed to a satisfactory standard.

A contract should be in place for all residential building works over \$5,000. [NSW Office of Fair Trading](#) contracts should be used. This contract is for trade work (such as carpentry / painting / tiling / electrical or plumbing work), building work for minor additions and renovations, repairs, maintenance and improvements and complies with the requirements of the [Home Building Act 1989](#) for residential building works valued over \$5,000.

Repairs and maintenance of property are to be carried out in a timely manner to ensure the property is adequately maintained to its market value and in the best financial and safety interests of the customer.

Constructions and Renovations

Major construction and renovation projects are to be carried out in a timely manner. A decision to manage the project internally or externally must be taken in the best interests of the customer and consider location, cost, and complexity of the project. A decision to manage the project internally should not compromise the timing and completion date of the project, particularly due to resource constraints.

If a project is managed internally, all project management and oversight functions must be conducted to the same professional standards and policy imposed and expected from an external Project Manager/Building Consultant. This applies to all functions involved in engaging a building contractor, such as competitive quotes, meeting project milestones, certifications and satisfactory completion of work, approvals, insurances, and payments.

The project should deliver value for money, pass all NSW building code requirements and certifications, and meet quality standards in materials and workmanship that satisfy NSW Trustee & Guardian, the customer, and/or their representatives.

NSW Trustee & Guardian must confirm that adequate budget is available for the project and whether there are complex ownership arrangements or disputes, which may prevent or hold up building work.

A home building contract should be in place for all major residential building projects. All efforts should be made to ensure there is ideally a 20 per cent contingency allowed for any unforeseen costs.

Where the project is modified, and additional costs are to be incurred, the customer (if able) or their representatives must be consulted, and adequate budget made available. A detailed variation request with photos is to be provided by the builder for assessment by the NSW Trustee & Guardian in consultation with the customer/stakeholders.

[NSW Office of Fair Trading](#) contracts should be used.

Contractors are required to be supplied with a copy and comply with the [NSW Trustee & Guardian Statement of Business Ethics](#).

Scope

All Trustee Services Staff.

NSW Trustee & Guardian is responsible for repairs and maintenance on properties under management under [section 16](#) of the [NSW Trustee and Guardian Act 2009](#).

NSW Trustee & Guardian does not get involved with works approved and managed by NDIS. NSW Trustee & Guardian cannot insist or enforce work to be carried out. All work needs to be agreed by or approved by the customer.

Repairs and Maintenance

Repairs and maintenance may need to be conducted on vacant or occupied property for a customer, beneficiary, trust, or estate managed by NSW Trustee & Guardian. A customer wishing to undertake a small renovation project or simply to ensure upkeep of their property can instigate work. Work can also be driven by an emergency event (such as failed hot water system, sewerage blockage or storm damage), or because of an inspection by NSW Trustee & Guardian that identifies the need for repairs to secure the property quickly, or to maintain the property and its market value.

Constructions and Renovations

In relation to construction and renovations, NSW Trustee & Guardian is responsible for:

- reviewing quotes provided by contractors sourced by either the customer / stakeholder or Senior/Principal Property Officer,
- checking licences to ensure that the contractor is appropriated licenced for the work they are carrying out,
- obtaining evidence that the contractor has the appropriate insurances in line with the Fair-Trading building contract,
- coordinating the response and monitoring the work being completed.

It is important to note that external contractors will undertake renovations to customer properties and NSW Trustee & Guardian staff do not generally attend customer properties.

NSW Trustee & Guardian may be notified of the need to conduct a renovation on a customer's property through several avenues. These may include:

- The customer or stakeholder requests the renovation
- Building defects/property unsafe
- An assessment by an occupational therapist or other clinical professional identifies the need for a repair.

For Public Release

Legislation

- [NSW Trustee and Guardian Act 2009](#)
- [Home Building Act 1989](#)

Related resources

External sites

- [Fair Trading Home Building Contracts](#)
- [Fair Trading Consumer Building Guide](#)

Forms

[NSW Trustee & Guardian Statement of Business Ethics](#)

Definitions

The term '**customer**' refers to all NSW Trustee & Guardian customers and stakeholders. Customer is broadly defined and should be considered in the relevant context. The term customer refers to:

- Person under a financial management order.
- Person who makes a Will, Power of Attorney or Trust Deed appointing NSW Trustee & Guardian to act in the appropriate capacity.
- Beneficiaries of estates and trusts – where the customer is a beneficiary of an estate or trust, decision makers must ask does the request support the administration of the estate or trust according to law.
- Stakeholders such as key contacts, family, social workers, support persons or organisations

Builder means a licensed builder in NSW authorised to engage and manage subcontractors

Building

Consultant means a person/company selected from an approved Panel of providers who can project manage the construction/major renovation of a property on behalf of NSW TG.

Building

contractor means a private builder or project home company.

References

Legislation

- [NSW Trustee and Guardian Act 2009](#)
- [Home Building Act 1989](#)

External sites

- [Fair Trading Home Building Contracts](#)
- [Fair Trading Consumer Building Guide](#)

Forms

[NSW Trustee & Guardian Statement of Business Ethics](#)

Document Information

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