



Most glass accidents aren't Are your glazing contractors qualified?

Most glazing problems occur right from the outset. They generally stem from the inappropriate selection and installation of glass, often by unqualified tradespeople.

You may find it hard to believe, but today there exist untrained, poorly qualified, unaccredited glaziers working in an industry that demands extreme expertise and care in the specification and installation of glass. This applies to all types of projects – from the simplest residential replacement work to the most complex commercial fit-outs.

You may put lives at risk if you don't insist on using the services of a glazing expert accredited by GAAQ (Glass & Aluminium Association Queensland) – a skilled tradesperson who knows and works to the Standard AS 1288. Accidents can happen, with costly and possibly life-threatening consequences.

You could be legally liable for sizeable damages associated with incorrect glazing unless you have taken due care. All glass installed in buildings must comply with the relevant Australian Building Standard. It is strongly recommended that you take

every step to ensure these measures are taken and that you demand to view proof of compliance.

Employing the services of a Glass & Aluminium Association Queensland-accredited glazier is your best protection for ensuring that all works undertaken are in accordance with the Standard.

Accredited, qualified and skilled glaziers work throughout Queensland. They know the Glass Standard, and will ensure that all glass installed is fit for purpose and fully compliant.

An agent's duty of care

The incident

The defendant (managing agent and owner) presented evidence suggesting the injury was caused when the plaintiff, during an argument with his ex-partner, deliberately placed his arm through the glass. The plaintiff argued that he tripped and fell on the front steps. In doing so, his arm penetrated the glass and lacerated his right hand and forearm.

One month prior to the plaintiff's injury, an intruder smashed a glass panel in a bedroom during an attempted burglary. The plaintiff's expert stated that the defendant, now aware that the property had annealed (non-safety) glass, should have installed safety glass to the front door as well.

While the use of annealed glass was permitted at the time of the construction of the property, this glass doesn't conform to current Australian Standards.

Judgment

The judge accepted the plaintiff's account as to the circumstance of his injury. He also noted that in 1998 the agent employed a handyman to replace glass at another location. Despite his experience in the real estate industry, the handyman was not suitably qualified or appropriately supervised by the agent; if a glazier had been used, a recommendation would probably have been given to replace annealed glass in areas of foreseeable possible human impact, stated the judge.

Agent responsibility

As a result of these considerations, the judge concluded that it was reasonable to expect the agent and owner to take the precaution of installing safety glass at the time they were made aware that annealed glass was present throughout the premises. The Court found the agent 75 per cent liable and the owner 25 per cent liable. Realcover is however appealing the decision.

The defendant, Tim Simpson, was shocked by the judge's decision. "I'm lost for words," he says.

"I've been a member of the real estate profession for more than 40 years and, despite my extensive experience, I didn't anticipate the outcome."

PI insurance: are agents covered?

While Tim's professional indemnity insurance will take care of the judgment and any consequent orders, he says the incident is a timely reminder of how a lawsuit can financially cripple a real estate agent who isn't covered. He goes on to say that his insurer, Realcover, assisted him throughout the legal process. "I felt supported every step of the way with excellent legal representation," he says.

Michael Lynch at Realcover believes the decision raises the question of whether a \$1 million professional indemnity insurance policy is sufficient considering the severity of the injury sustained by the plaintiff. He adds: "It is essential that agents should heed the warning of having professional indemnity insurance and review the amount of cover they have."



Click here to print a Black & White copy

Click here to find an accredited glazier in Queensland who will safely install glass, fit for purpose and fully compliant.



For more information visit www.agga.org.au or call 07 3209 8555