



COMMENT ON

Productivity Commission Draft Research Report Reform of Building Regulation

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REFORM OF BUILDING REGULATION – PRODUCTIVITY COMMISSION DRAFT RESEARCH REPORT

Introduction

The Fire Protection Association, Australia (FPA AUSTRALIA) is pleased to provide a further submission to this research study into Reform of Building Regulation based on our review of the Draft Research Report and participation in the Roundtable held in Melbourne on 17 September 2004.

We are appreciative of the fact that many of the issues raised by FPA Australia in our original submission have been noted in the draft report and refereed to in a number of recommendations and findings. We do not seek to repeat the material in our further submission, only to reinforce their importance to the building and construction industry and suggest further refinement where appropriate.

Specific issues in the Draft Report for which we would like to add new comments are as follows:-

1. ABCB Board Membership – Draft-Finding 10.2

Section 10.2 of the Draft Report addresses this issue of representation. As stated previously by FPA AUSTRALIA, AFAC and others, 70% of the BCA clauses relate to fire safety and therefore the Board should include a member or members with knowledge and expertise in this important area.

However, FPA AUSTRALIA agrees that the non-government representatives to the Board should be chosen as independent advisors and not as a representative of their nominating organisation with narrow sectional interests. FPA AUSTRALIA and its members can have influence through the BRAC committees at State level and through the BCC.

At the ABCB Board (or its replacement) we would like to see a member or members who could speak for all fire safety interests across Australia and work co-operatively with FPA AUSTRALIA, AFAC and all other bodies that have a contribution to make in the area of fire safety.

2. Maintenance for Life of Building Draft Recommendations 5.5 and 7.2.

FPA AUSTRALIA welcomes Draft Recommendations 5.5 for the BCA to have a “throughout the life” approach to maintaining a building that is supported by regulation, documented and requires future owner and/or occupiers to be informed of these requirements. This recommendation should be a high priority on the work program for the future ABCB (or its replacement).

FPA AUSTRALIA also strongly supports Draft Recommendation 7.2 recommending the need for a consistent approach to building maintenance

provisions across all jurisdictions. Any future BCA should reference AS1851 so that important fire safety initiatives remain available throughout the life cycle of a building.

3. Practitioner Licensing and Accreditation – Draft Finding 7.2

FPA AUSTRALIA is pleased that the draft report has made reference to licensing and accreditation of building practitioners as noted in Draft Finding 7.2 stating that:

“The compliance system for building regulation could be improved by establishing more soundly based requirements for licensing, accreditation and audit of building practitioners. The ABCB (or its replacement) could provide a national forum for this.

As noted in FPA AUSTRALIA’s original submission fire safety in Australia is clearly a large part of building regulations and represents up to 70% of all prescriptive requirements in the technical provisions of the BCA. Fire practitioners have an essential role in the protection of life and assets. Industry sectors such as plumbing and electrical require licensing of practitioners and FPA AUSTRALIA is of the view that if occupational licensing was a requirement for other sectors such as fire there would be more rigour applied to regulatory compliance.

A considerable amount of work has already been completed under the agenda of the Australian National Training Authority (ANTA) for the Vocational Educational and Training (VET) system. The VET system is supported by the development of training packages based on nationally endorsed competency standards that tie into the Australian Qualifications Framework (AQF), e.g. Certificate level 11 or level 111.

There is already in place a ‘Heads of Government’ agreement between States and Federal governments supporting ANTA’s VET/AQF system. It should therefore be a natural progression for the approved training packages to provide the basis of an industry sector licensing – accreditation requirement for a national practitioner licensing system for building practitioners. Such a system could also have reciprocal agreements across each jurisdiction.

FPA AUSTRALIA would strongly support that this recommendation be included as part of the Inter Governmental Agreement (IGA) work program referenced under Draft Recommendation 11.4.

4. Standards – Draft Recommendation 8.2

It was acknowledged at the Roundtable that this section of the draft report would be rewritten to reflect the fact that the former SAI has been broken into 2 organisations, one publicly listed and the other not. The latter is the one charged with preparation of Australian Standards.

Notwithstanding the comment of a number of submissions on this issue, it is the view of FPA AUSTRALIA that Standards Australia provides the best and only accountable mechanism for preparation of technical standards for the building and fire industry. There may be a need to improve the process and timeliness in some areas, but ABCB does not have the resources to write and update the large number of technical standards required. The consensus approach of Standards Australia with committees representing a wide range of stakeholders is the best model available. It is able to harness a large volunteer effort of industry specialists. ABCB working in alignment with Standards Australia is FPA AUSTRALIA's preferred best model.

FPA AUSTRALIA agrees with the desire to adopt ISO standards, subject to their review to ensure consistency with Australian regulations and practices. Experience of FPA AUSTRALIA on many ISO committees suggests that adoption of ISO Standards for fire products works well and facilitates trade and more efficient import/export. On the other hand, ISO Standards for installation and maintenance of systems in buildings are not useful. The reason is that differing local regulations, building practices and related standards on wiring, plumbing and construction in each country mean that such ISO Standards end up being very generic and often refer to national standards anyway. In such instances they are not of a form suitable for inclusion in the BCA.

On representation on international standards forums, the non-publicly listed arm of Standards Australia should continue to perform this role without the need for additional ABCB representation. However, with closer co-operation of ABCB and Standards Australia, it could be that a member of ABCB may be the ISO representative on some committees where appropriate.

5. Asset Protection – Draft Recommendation 6.8

FPA AUSTRALIA strongly supports this recommendation except for the omission of stand-alone buildings. There is a need to make asset protection an explicit objective and to develop a simple and consistent approach to requirements for asset protection. Such an approach would assist regulators, fire safety engineers, certifiers, fire authorities and insurers to better provide nationally consistent outcomes. FPA AUSTRALIA is also of the opinion that the proposed amendment to the Mission Statement of the ABCB (or its replacement) should include asset protection.

5.A Asset Protection – Stand Alone Residential Buildings Draft Recommendation 6.8

FPA AUSTRALIA is concerned with the Productivity Commission recommending that stand-alone residential buildings not be included in their recommendation to increase the asset protection objective of the BCA. The Association believes there is an essential need for consideration to also be given to residential buildings particularly as there is an increasing trend for building in non-traditional type suburban environments. It should also be noted that a high

percentage of deaths and serious injuries from fire occur in residential buildings.

Many non-suburban/rural areas have experienced phenomenal building growth in recent years, as well as a growing interest in enclave style developments. Housing constructed in these environments often does not have access to usual services such as reticulated water and is considered to be high-risk to bushfire as well as not providing convenient access for traditional fire-fighting applications. FPA AUSTRALIA receives numerous calls from homebuilders or owners in such areas seeking advice on how they can better protect their homes.

FPA AUSTRALIA is of the view that there is a compelling argument for considering stand-alone residential buildings to be included in Draft Recommendation 6.8 and requests the Productivity Commission review amending this recommendation to include this class of building.

6. Awareness, Education & Training – Draft-Finding 9.1

FPA Australia agrees with this Draft Recommendation that the ABCB (or its replacement) should enhance its BCA awareness campaign, including partnerships with industry on provision of training.

From the broader perspective importance of training is linked to the issues of licensing and accreditation and the need for on going continuing professional development.

As a registered training organisation FPA AUSTRALIA is already involved in a number of such training activities. As the peak body for fire safety in Australia, FPA AUSTRALIA would like to link with the ABCB to build this important area of training nationally. We would see as an important role of ABCB being the development of a co-ordinated national policy and framework for awareness, education and training. This important role would be achieved through working with existing training and education providers, such as FPA AUSTRALIA, AFAC, universities, TAFEs and others registered training providers to deliver such programs nationally.

In Section 3 of this response FPA AUSTRALIA refers to the Australian National Training Authority's (ANTA's) VET/AQF that already has the support of the States and Federal government. The Association strongly supports this structure for a consistent national approach to training for formal qualifications for fire practitioners and reiterates the need for training linked to licensing and accreditation being based on the AQF system across the building industry.

7. New Inter Government Agreement – Draft Recommendation 11.4

FPA AUSTRALIA acknowledges that the development of a new Inter Government Agreement (IGA) as noted in Draft Recommendation 11.4 is a critical step to implementing the findings and recommendations of this study. It is therefore imperative that there is a process for all key stakeholders are able to provide comment into the development of the new IGA.

It is important that the new IGA is based on a whole of government approach and has the support of key stakeholders. The Broad spectrum of fire interests, from both the fire services and fire protection industry have taken a considerable interest in this Productivity Commission study. This point is reinforced by the number of references to submissions in the draft report and attendance at meetings, from organisations and individuals with interests in fire safety.

8. Important Issues to Incorporate in Future Work Agendas

The following are further issues not already noted that FPA AUSTRALIA believes are important for the ABCB (or its replacement) should have on its future work agenda:

8.1 Emergency Management

FPA AUSTRALIA is of the view that future BCA's need to consider more than just the construction of buildings. Emergency management processes to respond to both natural and man-made disasters should also be a consideration of the ABCB (or its replacement) in protecting occupants and buildings.

8.2 OH&S In Building Construction

There should also be consideration given to buildings under construction being a work-site until completion of the structure. The development and design of the building should take into consideration the OH&S requirements of all those employed in the construction of a building and the BCA should support this important matter through recognising other relevant safety legislation to ensure a safe worksite.

8.3 Compliance, Enforcement and Auditing

FPA AUSTRALIA is of the view that quality outcomes are based on a consistent approach to regulatory compliance across all jurisdictions. Key stakeholders could provide valuable input into identifying and communicating best practices that improve compliance and enforcement of the BCA (Draft Recommendation 7.3) and the auditing of practitioners performance.

8.4 Environmental and Sustainability Issues

. With the designing for the outbreak of fire and the need to contain and extinguish the fire there is the possibility of conflict between incorporating sound environmental (or energy saving) practices and sustainability

practices. Incorporating and promoting sound environmental and sustainability directions into the building regulatory framework will continue to challenge the ABCB (or its replacement) and jurisdictional regulators

In FPA AUSTRALIA'S submission to the Productivity Commission's Issues Paper, the issue was raised of the future use of water and the impact on fire safety. Several water supply authorities are currently considering lowering water pressure in mains to save water. The subsequent impact on performance requirements to fight fires is significant. This matter needs to be dealt with at a national level.

The impact of fires on the environment can be considerable. This problem is highlighted in the conflict between the fire services legislation to protect buildings and contents from fire and protection of the environment from the effects of fire. The current building regulatory framework does not align with these objectives, instead having a focus on safe evacuation of building occupants as an objective. It is important that this "disconnect" acknowledged by the Productivity Commission in the Draft Report be given priority on the future work agenda of the ABCB (or its replacement).

8.5 Community Expectations

Community expectations need to be considered in establishing the objectives of the regulatory framework particularly in terms of asset maintenance. Fire has far-reaching social and environmental consequences, beyond just the direct economic loss of a building. It is important that the full impact of fire be included. FPA AUSTRALIA strongly supports the call from AFAC (p.215 Draft Report) for a, "*fuller range of socio-economic **consequences of fire** be considered when regulatory impact assessments are undertaken*".

Conclusion

FPA AUSTRALIA has welcomed the opportunity to participate in the Productivity Commission's Study – *Reform of Building Regulation*. The Association and its Members look forward to the release of the final report with further refinement of the draft recommendations and findings. FPA AUSTRALIA as a key stakeholder looks forward with much anticipation to working with the ABCB (or its replacement) to implement the new initiatives associated with fire safety from this important study.