

REFORM OF BUILDING REGULATIONS

Productivity Commission Issues Paper 2004

Submission by:

Fire Protection Association of Australia (Tasmanian Branch)

Contact:

Ken Hammond, President

03 6268 0041 kenarpark@bigpond.com

Foreword

The Tasmanian Branch of the FPAA met and discussed the Productivity Commission Issues Paper on Reform of the Building Regulations.

This submission does not comment on all matters raised in the PC Paper, only matters in which the membership expressed a strong opinion.

Establishment of Standards

- *Do the processes by which standards are made, ensure that standards contained in the Code are well based?*

The Fire Protection Association Australia, Tasmania Branch (FPAA Tas) generally accepts the process of establishing standards in relation to fire protection in the building industry, however FPAA Tas does not support the duplication of Standard Committees' and queries the need for the Australian Building Codes Board's (ABCB's) own standards-setting processes.

A better approach would be for the ABCB to take a more active role in the Australian Standards establishment process, and accept the consensus-based approach.

The development of ISO (International) standards is supported, but FPAA Tas is concerned that where ISO standards are not equivalent to or better than Australian Standards, they should not be adopted. To avoid this situation, Australian representatives on ISO Standards committees need to fully contribute to the development of these standards, and where ISO standards are considered to be lower, Australian standards should prevail.

FPAA Tas recommends that consideration be given to applying state and territory building regulations (including maintenance provisions) retrospectively to high life-risk buildings (e.g. hospitals, aged care and other high dependency health care facilities), and in all cases to buildings or floors in buildings that undergo significant renovations.

Coverage of the Building Code

- *Is the proposed Premises Standard (and associated revisions to the BCA) the most efficient and effective means of meeting building access requirements under the DDA?*

FPAA Tas is concerned about the impact of the *Disability Discrimination Act* (the Act), and believes that a realistic assessment of the needs of disabled people, and general community expectations in relation to services for disabled people, must be undertaken, and that provisions of the Act be amended to reduce the crippling financial burden the Acts provisions impose on building owners (at least in existing buildings).

Sustainability and Business continuity

- *Is there a conflict of objectives between the BCA and the fire authorities' regulation in the States and Territories? If so, how could this be resolved?*

Community expectation for the protection of life and property and environmental protection from fires especially in the built environment are not fully addressed in the Building Code of Australia (BCA), in Tasmania there has been significant progress towards consolidation, however the Fire Industry does not always agree that devolution of the decision making process in acute areas of life and fire safety is best served by making the Building Surveyors responsible.

FPAA Tas supports fire protection systems and features that focus on property protection and conservation in addition to current life safety features.

FPAA is concerned that community expectations in relation to the life safety and property protection dichotomy has not been widely canvassed. Our belief is that the community generally does not support the current philosophy reflected in the *Building Code of Australia*, at least in relation to key facilities (hospitals, schools etc) and historical buildings. That is, the community is unlikely to accept that fire safety features in these types of buildings will protect it only long enough to enable the evacuation of occupants. It is our belief that the community expect buildings of these types to survive a fire, and for business carried on within those buildings to be able to continue more-or-less uninterrupted following a fire.

FPAA Tas supports the development of a Life Safety Code.

Uniform maintenance provisions

- *Does the existence of performance-based regulation tend to transfer the costs from the construction to the maintenance of buildings? Does it increase the need for maintenance provisions to be included in the Code?*

FPAA Tas supports the inclusion of uniform maintenance provisions in the BCA and uniform adoption of those provisions in State & Territory building regulations. Among other things, these provisions must provide for the maintenance, in accordance with Australia Standards, of all fire protection systems, equipment and health and safety features, so that these continue to operate as intended.

To support this, documents describing performance-based solutions must be noted on the Certificate of Occupancy, and maintained in a central repository, to facilitate maintenance of performance-based solutions.

Private Certification

- *Has private certification reduced clarity over allocating responsibility when addressing complaints?*

FPAA Tas is concerned that private certification may enable undue influence to be applied by building owners and developers on building work, without due regard to community needs and expectations.

Ultimate responsibility needs to be vested in local government, who must employ appropriately qualified staff or contractors to assess compliance with applicable codes and standards or sub-contractors, acting for the Council.