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Mr Tony Hinton
Commissioner
Productivity Commission
Reform of Building Regulations
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Dear Commissioner Hinton

Re: Reform of Building Regulation

The National Fire Industry Association (NFIA) is pleased to put forward the following comments for consideration during the Productivity Commission's research examining the contribution that national building regulatory reform under the auspices of the Australian Building Codes Board (ABCB) has made to the productivity of the building and construction industry and its impact on economic efficiency in Australia as well as the potential that such reform has to make further gains.

The members of NFIA are engineering contractors involved with the design, installation and maintenance of fire safety engineered systems, automatic sprinklers and other fire protection systems. The organisation has been in existence since 1926 and has objects with specific relevance to this area of research, including:

- a) To promote the interests of the fire protection industry in Australia.*
- b) To assist and support any scientific or standardisation or like bodies whose activities are calculated to be of interest to members.*
- c) To promote or encourage any technical or other forms of education.*
- d) To propose or oppose legislative or other measures affecting or likely to affect the fire protection industry.*
- e) To improve and elevate the standards of installation and servicing in the fire protection industry and to co-operate with regulatory authorities in the maintenance of proper standards of installation.*
- f) To establish or assist in the establishment of standards of quality in respect of equipment and services in the fire protection industry and to devise and conduct tests to ascertain and establish compliance with such standards.*

1. **UNIFORM BUILDING CODE**

It must be stated from the outset that NFIA fully supports the adoption of one uniform, nationally consistent Building Code, underpinned by nationally consistent technical standards, which where appropriate, reflect international standards. The NFIA supports the adoption of a performance based BCA, together with the work being undertaken in the International Fire Safety Engineering Guidelines.

There are some “local” requirements which vary from State/Territory to State/Territory, and in most cases there are valid reasons for this (*i.e., termites are more prevalent in the NT than Tasmania; Cyclones are unlikely in Victoria; etc.*) Conversely, not all “differences” have the same logical base – why does each state and territory have different licensing and certification regimes?

If the rules for building are uniform, why cannot the licensing and certification processes be uniform so an operative from South Australia can work in NSW, Victoria or WA without the need for duplication of licensing requirements?

Why are some licences occupationally based and others corporate? National consistency is an imperative – duplication of requirements across borders and imposition of alternative requirements for the same skill or service delivery is inefficient and extremely costly, and that cost is ultimately borne by the Australian consumer.

2. **PERFORMANCE BASED CODE**

The performance based BCA provides opportunity for innovation and for competition to take place within performance based requirements. This approach does engender constant debate and discussion on the appropriateness of some solutions, and this adds to the sum of knowledge available to the community in Australia.

3. **COMMUNITY EXPECTATION V MINIMUM ACCEPTABLE**

From a fire standards perspective, there is a view the ABCB’s mission is sometimes interpreted too narrowly by the ABCB and the issue of cost to the community after a disaster from fire is not appropriately addressed through the Building Code of Australia (BCA). Cost, safety level required and the community’s expectation of protection levels are, in the view of this sector of industry, not interpreted correctly. The supposition that “minimum acceptable” equates to “community expectation” is not appropriate. The view is tainted by political and economic preconceptions. The BCA reflects the objective of delivering a minimum acceptable level of safety rather than a **community expected** level of safety.

ABCB representatives argue they cannot address property protection beyond providing an egress within a specified time requirement. The cost of this approach to the community versus life and property protection approach is judged by the ABCB to be the preferred approach.

The BCA does not address the issue of life safety as it may apply to fire fighters in responding to fire call outs.

4. FIRE DATA

All Fire Authorities collect data on fires they attend. This data is held by the Australian Fire Authorities Council. The collection of this data should be required to be collected by all fire authorities in a manner that allows the aggregation of the data so that the data can be used by the Australian community.

This data should be freely available to all, but specifically to all fire safety engineers and designers.

5. AUSTRALIAN / NZ & ISO STANDARDS

The BCA should be underpinned by relevant Australian Standards. These standards are written by industry and community participants at great cost and should not lightly be ignored or overruled by requirements of the BCA.

The endeavours to produce AS /NZ standards seem to be faltering. The lack of progress in this area should be a concern, primarily to the NZ government, but could cause immeasurable difficulties for the Australian community if products developed for NZ to different (*lesser?*) standards are able to be sold in the Australian market without meeting the Australian Standard requirements.

Australian Standard committees are committed to the standards process, and are addressing two imperatives of the Australian Government: performance based requirements and use of standards in that process, together with adoption of International Standards where appropriate rather than the development of a national specific requirement.

The adoption of ISO standards where appropriate will assist local manufacturers to export product rather than direct the resources to the development of a product specific for the Australian market only, which is small and therefore products cannot be manufactured cost effectively.

Both these initiatives are supported by NFIA.

6. PRODUCT CERTIFICATION

To support the BCA as a uniform code, independent third party Product Certification and Marking should be mandatory for Building and Construction products used in the Australian market.

Current reasons for a manufacturer to seek product certification in terms of evidence of compliance or 'fit for purpose' in accordance with the BCA include:

- Protecting or insuring against liability in the market place;
- An exercise in risk management if the product/system is approved and certified by a third party and minimises risk of selling a product/system with liability issues;
- Best practice within a company requires testing of products / systems, therefore appraisal/certification is the logical next step;
- Third party substantiation on performance of product, providing confidence for manufacturer and building certifier in product application;

- Business decision based on marketing advantage (some major customers placing importance on certification to the conformity level);
- New company or product requiring credibility in the market place;
- Sense of achievement, credibility or prestige of having successfully completed a rigorous process of certification (i.e. National Product Certification).

All of the reasons above can be applied as reasons why the ABCB should require certification of product together with the “minimum acceptable” argument for safety which is currently used to determine adoption of various standards or requirements within the BCA.

7. ABCB COMPOSITION

NFIA would support the composition of the ABCB to more appropriately reflect the sections of building and construction which apply the requirements. The Board seems to not reflect the engineering construction sector (Air-conditioning, Fire Protection, Electrical and Plumbing sectors).

8. DESIGN FOR PURPOSE

The BCA should require that OH&S issues be addressed in the design stage. The design should address the need for appropriate areas for maintenance are provided for all the plant and equipment in any building.

A Victorian Specialist Trades Group including the National Electrical and Communication Association (NECA), Master Plumbers' and Mechanical Services Association of Australia (MPMSAA), Air Conditioning and Mechanical Contractors Association of Australia (AMCA), Fire Contractors Victoria (FCV) and CEPU-Electrical and Plumbing Divisions undertook a programme funded by The Victorian WorkCover Authority through WorkSafe Victoria's Safety Development Fund - Sprains and Strains Reduction Program. The research undertaken for the project produced a number of recommendations critical to the success of the injury reduction campaign *falling outside the Scope of the Program* including:

Recommendation No 3 The relevant government agency(ies) should review the building code to establish mandatory design standards that consider manual handling and height related fall issues.

Recommendation No 6 The Australian Standards Association and manufacturers of larger or awkward appliances or equipment to review the materials handling issues associated with equipment design, e.g. fitting of lifting points, attachments or provision of specialised lifting tools.

NFIA commends these recommendations to you

9. DESIGN / MAINTENANCE

Building Design and Regulation should properly address the life cycle requirements of all buildings. There are decisions taken at the design stage which will result in an inefficient building which imposes increased maintenance / lifecycle costs on a building for successive owners. These should be detailed fully, and clearly stated to the owner before a building is commenced, and when a building is sold.

The issues of access to plant rooms and installed equipment need to be addressed from both a design and an OH&S perspective.

NFIA looks forward to your final report and seeks amendment to the current regulatory regime which provides a more efficient and effective Building Regulation environment which will benefit all of industry and the Australian consumer.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. Coate', written in a cursive style.

Carmel M Coate
EXECUTIVE DIRECTOR