

PRODUCTIVITY COMMISSION SUBMISSION

Submitted by:

**The New South Wales Building Regulations Advisory Council - Industry members
NSW Department of Infrastructure, Planning and Natural Resources**

Introduction

This submission is made on behalf of industry members only of the New South Wales Building Regulations Advisory Council [BRAC]. This includes members representing State industry organisations, NSW Fire Brigade and Government Departments of Commerce and Housing.

It is not intended to be an exhaustive response to all, or indeed most, of the specific questions raised in the Issues Paper distributed by the Productivity Commission. Individual BRAC members could and probably would have different views on some questions and it was considered undesirable to condition this response. It was therefore agreed that these questions would be addressed in any submissions made by represented organisations and individuals on BRAC.

The issues raised in this submission are those that are agreed.

General

There is unqualified support for the continuation of a national organisation such as the Australian Building Codes Board to maintain the process of building regulatory reform in a nationally uniform manner.

There is also unqualified support for maintaining a performance based Building Code of Australia that will continue to encourage construction innovation and design flexibility. However, a more rigorous national approach to the **development, assessment and certification of alternative solutions** needs to be introduced to prevent any abuse of this system and ensure that alternative solutions are delivering appropriate outcomes. In particular there is a need to address the issue of providing better quantification of BCA requirements.

It is also considered necessary to raise the priority in the development of the **Future Building Code of Australia [BCA 21]** to introduce a "top-down" approach to the development of Australian building regulations. At present the current BCA continues to retain some problems associated with the "bottom-up" approach that was used to convert the original prescriptive regulations into performance-based requirements.

Issues

- The development of a **National Administrative Framework** with a commitment from State and Territory Governments to introduce these procedures without change. This project needs to be given the highest priority.
- The introduction of measures that prevent **Local Councils from imposing regulatory requirements or policies that are over and above those specified in the Building Code of Australia**, only permitting such building requirements when these are outside the scope of the BCA.
- The introduction of a regulatory development system that is able to be **more responsive to community needs and expectations**.
- The need to provide a nationally consistent approval process that involves the **Fire Brigade**. The current conflict between the objectives of the Building Code of Australia and those of the Fire Brigade in regard to their respective legislative positions needs to be resolved. The introduction of a nationally uniform Peer Review process could provide a higher degree of certainty in the approval process,
- The need to place greater emphasis on a **consolidation of all building regulatory requirements into the Building Code of Australia**.
- **A review of the consultation process** and time frame for industry responses to proposed amendments to the Building Code of Australia through State and Territory **industry** advisory bodies.
- The need to ensure that the **deemed-to-satisfy technical provisions** in the Building Code of Australia are **continually under review** to remove uncertainty, confusion and duplication [the bread and butter issues].

**Forwarded on behalf of the industry members on the
New South Wales Building. Regulations Advisory Council**

19th May 2004