

Productivity Commission

Research Study into the Reform of Building Regulation in Australia

Tasmanian Building Regulation Advisory Committee Submission:

1.1 Background to study

- *Have reviews of the regulation of the building and construction industry asked the right questions and identified the areas most in need of reform? Has adequate follow-up occurred to ensure accepted recommendations were adopted and assessed ex-post for their effectiveness?*

Response: Reviews over the last 15 years have been asking the right questions and identified the areas requiring reform of the building industry. In particular the Building Regulation Review Task Force Final Report and the Model Building Legislative Provisions Project completed at the end of 1991 were among the major reform “engines” (drivers) for the subsequent development of a new Building Act in Tasmania. In Tasmania this reform started in 1993 with legislation to introduce the Building Code of Australia. Further reform was started in May 1995 with the issue of the first consultation documents for a proposal for a new Building Act based on the Model Legislative Provisions. A further consultation document was issued in December 1996. As result of this consultation a draft Building Bill and Regulatory Impact Statement was developed on which further comments were sought in September 1999. A new *Building Act 2000* was agreed to by Parliament in December 2000. The new Act was the framework, with the detail being developed in conjunction with industry. Part of the new *Building Act 2000* was commenced in August 2003 with the remaining bulk of the Act commencing on 1 July 2004.

1.2 Scope of study

- *The Commission welcomes comments from interested parties on the intended scope of this study.*

Response: One area that should be addressed but does not appear to be in the scope of the study is in relation to other spheres of national reform promoted by the Australian Government that has resulted in building construction standard issues being determined outside the BCA. The Australia New Zealand Food Authority for instance has developed standards for the construction of food premises and is known as *Standard 3.2.3 Food Premises and Equipment*. Another example is the National Standards for Child Care Facilities. Generally these Standards are over and above the BCA and are implemented as a result a licensing or funding requirement of Federal, State and Territory Governments. This is a consolidation issue. Tasmanian Building Legislation includes a provision that it prevails over any other Act, regulation, rule, by-law, guidelines, planning instrument, standard, condition, determination or directive made under any other Act relating to the design of any building, building or plumbing work. Thus any provision required by another area of government has to be in the Tasmania Appendix to the BCA. A similar policy to this by the Australian Government would be appropriate.

2.1 Effectiveness

- *Is the mission statement of the ABCB the appropriate one for the intergovernmental body responsible for reform of building regulation?*

Response: It was appropriate when written 10 years ago, however, with the current emerging issues such as sustainability it should be updated to provide for more flexibility.

- *What are community expectations for health, safety and amenity in the design, construction and use of buildings? Has the ABCB been able to adequately determine what the community's expectations are, including preferred cost-quality tradeoffs?*

Response: The expectations are continually changing and the ABCB needs to keep up with the changes. Extensive consultation is required to determine community expectations and this has been adequate. However, it can result in delays in implementation of change.

There is some concern that the community expectations may lie outside strict health, safety and amenity.

- *Is the definition of amenity in the BCA adequate? Should the term refer to the basic needs of a building or to anything that impacts on the comfort, pleasure and aesthetic qualities of a building? Does it give sufficient attention to factors that impact on those not occupying the building? Alternatively, should the term be interpreted more narrowly to provide greater focus?*

Response: It is probably appropriate that amenity is further broadly defined to take into account changing community expectations, however, it should not include aesthetic quality, as this is a planning issue. Amenity should include sound insulation particularly in residential development. Domestic noise from residences and residences being exposed to noise from commercial operations is an increasing issue of concern.

- *Why is national consistency considered to be the crucial means by which to meet community expectations for health, safety and amenity in a cost effective and efficient manner?*

Response: There are advantages in national consistency, in that materials, construction methods, and skills of practitioners and workers, are transportable across State and Territory boundaries. Similarly the community moves across these boundaries with the same expectations. The increased scale of the market place has a positive benefit to the community. There is concern that some States have retained or recently developed housing or energy codes outside of the BCA. This does not appear to be in line with the objectives of the ABCB.

- *How can more progress be made in adopting uniform administrative legislation?*

Response: By including a more definitive intent in the IGA to move towards harmonised administrative provisions.

- *Is it feasible for all communities and individuals to use the national standard as their baseline, with the option of altering the standards where this better meets community or individual preferred tradeoffs between price and quality? How difficult/desirable is it for individuals or communities to enforce a higher standard than that in the Code?*

Response: If individual communities are able to increase the standard over and above the national standard then it affects the transportability between States and Territories. This negates the benefits of a national standard. The national standard should be both the minimum and maximum. If communities want to increase the minimum standard then they have an option of submitting a case to the ABCB. The current practice of some Councils, in requiring increased building standards through

planning permits is not desirable as these permits do not have to go through the same rigorous process of regulatory review by the RRU as the BCA does. There is generally no effective review of the cost effectiveness of these planning permit requirements.

- *Why are some differences in regulation intractable?*

Response: By involvement in the ABCB and its Forums, States and Territory Administrations and Industry are reducing these differences. The process is time consuming as some of these practices have been used for a long time and may be embedded in State and Territory legislation. The history of the ABCB shows that the process has worked. The process should be extended to identify other consolidation issues previously noted and those building requirements hidden in other State legislation

- *What quantitative and qualitative indicators would facilitate assessing performance against some or all of the ten objectives of the ABCB?*

Response: The ABCB Chairmans' submission is supported.

2.2 Productivity

- *In what ways has reform of building regulation affected the various measures of productivity of the building industry? Which is the best measure of productivity or should more than one be used? What factors, other than regulation reform, have impacted on productivity? Is it possible to weight their relative importance?*

Response: The transportability of materials, design, construction methods, building practitioners and skilled workers has been positively affected in Tasmania. Private certification has also been a positive effect. The introduction of performance requirements in the BCA markedly reduced the number of references to the Building Appeal Board for a variation to the regulations. One Code has been beneficial to the design industry in competing with other design professions in successfully obtaining work in other States and Territories. The building industry is complex and one measure of productivity would seem inappropriate. A number of measures need to be developed. Other factors that have impacted on productivity include, labour availability, consumer confidence in the economy, and government policy.

2.3 Efficiency

- *Should the IGA objectives of the ABCB be changed, or would it be more appropriate for the ABCB to focus on consolidating the changes that have already been put in train? Or are there problems, which have neither been fully recognised nor addressed as yet?*

Response: As noted, in relation to the scope of the study and the mission statement of the ABCB, the IGA may need to change to allow for these emerging issues. However, any change should not be such that the existing focus is lost. A specific change to the way consolidation issues are dealt with would be a positive step in addressing the issue of a truly national Building Code.

- *The Commission welcomes input from interested parties on the meaning and application of effectiveness (section 2.1), productivity (section 2.2) and efficiency (section 2.3) in evaluating the performance of the ABCB and the reform that has taken place in the building sector since 1994.*

Response: Refer to previous comments.

3 Institutional arrangements

- *What processes involved in developing and implementing building regulation are most likely to deliver outcomes that are effective and efficient, and meet community objectives at least cost?*

Response: COAG guidelines obviously set the framework. Compliance with the principles and features for good regulation included in the Guidelines is one way of delivering the outcomes required. However, when developing regulation related to health and safety issues on many occasions it is difficult to assess the cost. Also in assessing these issues, least cost is on most occasions irrelevant, as the prime focus is on the health and safety of the community. Risk assessment is more appropriate for analysing these regulatory issues. There is a substantive need for all States and Territories as well as the Commonwealth to commit to the ongoing development and maintenance of the BCA.

- *How well do planning and building approvals processes operate together in each jurisdiction? How do councils interact with the Code? How difficult would it be to delineate between areas of responsibility for planning approval and building approval?*

Response: In Tasmania there is separate planning and building legislation. The *Land Use Planning Approvals Act 1993* for planning and as of 1 July 2004, the *Building Act 2000* for building. Within both Acts there are different permit processes. The building permit process however, links with and follows the planning process. The Tasmania experience of separating the Building and Planning Legislation has proven to be a worthwhile exercise and is well regarded by the Industry. This separation needs to be maintained and encouraged. As previously noted some Councils, require increasing of the building standards above and beyond the BCA requirements through planning permits and this is not desirable. All that is needed is an agreed delineation between the two processes. What is a planning issue and what is a building issue should be nationally agreed. Planning Schemes and amendments should be regularly checked to verify that they are not in conflict with the BCA before adoption. For consistency, a structure that is similar to the BCA with performance and deemed-to-satisfy provisions and consistent terminology for Planning Schemes would be beneficial to the Industry.

Response:

- *Is there a sound rationale for local councils to impose additional building requirements above those contained in the BCA? Do they have the resources to do this?*

Response: There is no sound rationale for a local council to impose additional requirements above those in the BCA. They are quite often poorly researched and ad hoc solutions to building problems. Refer to above response in relation to national uniformity and loss of portability. The ABCB has resources and research capability available, to it; a local council does not. If Local Government believes the BCA provisions are inappropriate then they should put the issue forward for review by the ABCB through their representation on the ABCB.

3.1 The ABCB

- *Are ABCB funding and charging arrangements appropriate?*

Response: The existing funding arrangement with the States, Territories and the Commonwealth based on the size of the various industries is supported and considered equitable. The benefit of the ABCB to smaller Administrations is

proportional to the size of the industry. The bigger the industry the greater the benefit. As of 1 July 2004 with the introduction of the *Building Act 2000* industry will be paying a levy that in turn will be used amongst other things to help pay Tasmania's contribution to the ABCB. Any other requirement for industry to directly contribute to the ABCB could be considered "double dipping" and is not supported.

- *Is the ABCB structure and membership appropriate for achieving its objectives? Are there other institutional models that would improve the effectiveness of national reform?*

Response: The existing structure and membership has been shown to be effective in achieving its objectives. A single Code has been developed a lot faster than previous attempts at national Codes by administrative structures in use prior to the establishment of the ABCB. No other institutional model is known that has been as effective as the ABCB model. The ABCB has been delivering.

- *How important is the direct involvement of the Australian Government in achieving national reform to building regulation? Should the ABCB be more independent?*

Response: It is important in that it allows the Australian Government to progress its national reform agendas. Some of the major reforms that the ABCB has been developing such as in aged care, energy efficiency, and disability access have all been at the instigation of the Australian Government. The Australian Government is also a large developer of building assets that are generally exempt from state and Local Government assessment. The Australian Government therefore should continue to be directly involved to protect these assets. For the future development of sustainability, and to tackle some of the consolidation issues that the Australian Government has been instrumental in developing and they need to continue to be involved.

3.2 Code - making processes

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

Response: The process used by the ABCB to develop building standards in the BCA is a development of a process of implementation of building regulation used for many years by individual States and Territories. The processes for regulatory reform are criticised as being too slow however the Board operates under COAG regulation guidelines and is (appropriately) constrained by the Office of Regulatory Review RIS process. (There is a need to further develop these processes with ORR to increase efficiency in this part of the process.)

The MOU between the ABCB and Standards Australia and the *Protocol for Development of BCA Reference Documents* were developed by the ABCB in conjunction with State and Territory Administrations as a result of concerns by the Administrations on the process of Australian Standard development. (A particular concern is that there has developed a process of fragmenting standards to 2 or more documents for many issues and for cascading referenced documents from one to the next and so on until finally the relevant information is revealed. This is costly, time consuming and difficult for practitioners referencing the document). Earlier indications are that the above two documents have increased the quality of standard development and the basis on which they are made.

- *Would greater alignment with standards from other countries be desirable?*

Response: Australia is in close contact with New Zealand and other countries through the IRCC. Where possible consistent or harmonised building codes should be developed.

Provided Australia is represented on the international Committees that develop these standards it would be appropriate to have greater alignment within the BCA with ISO standards. It would be further appropriate for the ABCB to represent Australia on any building standard Committee as well as or in replacement of Standards Australia representation.

- *Are the level and type of consultations by the Board and its advisory committees appropriate and transparent (in order to fulfil the ABCB's objective 5)? Are there adequate mechanisms for interested parties not directly represented on the ABCB or its advisory committees to provide input into the development and reform of building regulations? Are there other consultation strategies that would facilitate greater transparency for stakeholders? Does the ABCB have the necessary representation to determine what meets community expectations for health, safety and amenity?*

Response: There will always be someone who does not agree that they have been fully consulted. The present process of first producing a scoping paper, a discussion paper and finally a regulation document together with an RIS, before a substantial issue is included in the BCA has been accepted by government RRUs. On all of these documents public comment is invited. By the ABCB having direct links with State and Territory Administrations these documents are circulated widely within Industries and to State and Territory Building Advisory Committees. This process is fully transparent and appropriate and provides for interested parties not represented on the ABCB or its Committees to provide input into the development and reform of the BCA.

- *What are the advantages and disadvantages of the majority voting rule used by the Board and its Committees versus the consensus based approach used by the Standards Australia technical committees?*

Response: The existing system is supported and needs no change. In effect issues are decided without the need for a majority vote. The standards consensus approach is not appropriate as the decision making of the ABCB is at a higher policy level than that of a Standards Australia technical committee. The Board and its Committees are also determining regulatory policy for which the Governments and their representatives have a responsibility and are accountable. For this reason their needs to be a formal voting right built into the process, to allow Governments to exercise their vote if required.

- *Do the different approaches across the jurisdictions in implementing changes to the BCA inappropriately erode achieving national consistency? Is there a better approach?*

Response: The different implementation procedures do not erode the consistency. As previously noted the "consolidation" approach or lack of one across jurisdictions and within the Australian Government does have a tendency of eroding national consistency. Refer to comments on the Scope of Study.

- *Is the regulation impact analysis system for changes to the BCA working effectively? In particular, has there been adequate cost benefit analysis of proposals and evaluation of alternatives when considering changes to the Code?*

Response: Generally the RIS process is effective and adequately used for changes to the BCA, however, as previously noted there are some difficulties in the

system in assessing costs related to health and safety issues. Risk assessment would be more appropriate for a lot of health and safety issues rather than cost assessment. The level of research and analysis required by the current process can cause unnecessary delays.

- *Should there be greater accountability for changes to building regulation through the actions of Local Governments? Should more be done to ensure that these changes are justified and subjected to adequate analysis of costs and benefits?*

Response: In Tasmania Local Government cannot change the BCA requirements. The BCA is the building standard. However, as previously noted there is a tendency to attempt to increase the requirements over and above the BCA through the planning process.. It is an industry view that Local Government should not have ANY control over ANY issue associated with and included in the BCA. Particular Local Government requirements should only relate to non BCA requirements. More needs to be done to require planning requirements to undergo the same rigorous RIS process that the BCA has to go through. Refer to previous comments.

4.1 Code objectives

- *Is the BCA effectively achieving the various components of the ABCB's objectives.*

Response: Yes. [Note: The discussion on Objective 1 in the Paper does not recognise that some State and Territory Appendices included additional provisions which relate to the "consolidation" of building requirements in the BCA.]

- *Do some of the components of the ABCB's objectives conflict? To what extent do the various components contribute to the objective of promoting deregulation (objective 3)?*

Response: Unable to identify any conflict between the objectives. Generally all the objectives contribute to the overall objective of promoting deregulation.

- *Are 'minimum acceptable' standards and the pursuit of least cost solutions compatible with maximising net benefits to the community?*

Response: A "minimum acceptable" standard based on a least cost solution could be considered in most situations as maximising net benefits to the community. However, least cost is not the only measure of benefit to a community. In terms of safety issues, least risk might be also a measure that has to be considered.

4.2 Coverage of 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?*

Response: Under the present legislative provisions, there has to be a DDA Premises Standard to provide certainty to designers and owners under the DDA. Aligning the BCA with this Standard is a compromise. The ideal solution would have been for one set of requirements in the BCA and not duplicated in a Premises Standard. The requirements in the BCA could then be referred to from the Premises Standard if required. This would avoid duplicating the requirements and the coordination problem with implementing the two documents simultaneously. This is an example of the Australian Government not having a "consolidation" policy of including all building requirements in the BCA.

- *Is the Administrative Protocol likely to be effective in ensuring that decisions are consistent with the DDA and in minimising the need to resort to DDA disputes processes? Will it provide greater certainty and consistency in determining unjustifiable hardship? Are there better ways of achieving these objectives?*

Response: The Tasmanian Administration was instrumental in developing the Administrative Protocol and supports its introduction. It will, as far as can be determined at this stage, minimise the need to resort to the DDA dispute resolution process and provide greater certainty to building owners. No other way of achieving a similar outcome has been put forward by any stakeholder group.

- *To what extent should energy-efficiency objectives be addressed in the Code? Is variability by climatic zone, rather than by jurisdiction, the appropriate way to cater for differences across Australia? Is it more effective and efficient to use performance or prescriptive based standards to achieve energy-efficiency objectives?*

Response: Energy efficiency as a Greenhouse Gas metric has been an Australian Government reform initiative. The Australian, State and Territory Governments have determined the agenda for the reform and not the ABCB. If the required reforms affect building design and construction then they should be addressed in the BCA. Again this is a "consolidation" issue. Differences across Australia should be generally only variable by climatic zone and not by jurisdiction. There is a need however to cater for jurisdictional input into determining the climatic zones. Both performance and DTS provisions are required and neither one is more effective or efficient to use. Each has a place in the process and allows flexibility in the assessment of compliance with the objective.

- *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?*

Response: The BCA objective in relation to fire refers to life safety and some property protection, while State and Territory fire legislation generally relates to increased property protection. In addition, environmental legislation can relate to environmental protection from the effect of fires. If the community expectation under fire legislation is for full property protection then why is it different in terms of the BCA? Also if the community expects environmental protection generally then why does not the BCA include environmental protection from building fires? Again this is a "consolidation" issue. The future objectives of the ABCB should include resolution of this disconnect.

- *As well as energy efficiency, what other aspects of building design, construction and use could potentially be subject to sustainability considerations? What is the most useful definition of sustainability? Is there community consensus over what is a desirable level of sustainability for buildings?*

Response: Waste management, re-use of materials, and water conservation. There needs to be a nationally consistent definition. The ABCB's Future Building Code Project definition is supported. The community expectation in relation to a level of sustainability is still unclear and needs to be further developed. In considering the issue of sustainability, any public health outcomes must be carefully considered. For example the installation of water tanks for sustainable water use may increase the risk of mosquito borne disease, particular in the tropics.

- *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?*

Response: Deem-to-satisfy (DTS) provisions have always been conservative and have had redundancies built into them. Redundancies have resulted in additional capital cost. With performance solutions the redundancies are not included to the same degree and therefore the continued compliance of the building is reliant on the building systems working as they were designed. This requires the systems to be maintained. The redundancy costs are therefore transferred to maintenance costs. Maintenance provisions are included in BCA2004 but need to be developed further to achieve national consistency.

- *Are there any other possible areas (that may not be listed above) that could be incorporated appropriately into the BCA?*

Response: Other areas for inclusion are those referred to previously as "consolidation" or licensing issues. Refer to previous comments. In Tasmania a legislative requirement resulted in all building administration related standards being put in the BCA.

While there has been a focus on incorporating plumbing (and electrical) into the BCA, other building construction related areas (fabric, construction, services, use, maintenance and demolition) should be incorporated first. There has been criticism that the draft Plumbing Code of Australia (PCA) duplicates and overlaps with the BCA. This is inevitable and necessary. What is important is to reduce inappropriate overlaps and duplications. These commonalities are necessary because of the different administrative systems for building control and plumbing control (even when under the one Act as in Tasmania). Assessment against the BCA is by the building surveyor and plumbing is assessed by an engineer or plumbing inspector. Plumbing work and plumbing permits can be issued when there is no involvement of the building permits process. This is because plumbing is a building service (as is electrical). Harmonisation is the key.

5.1 Implementation of Code

- *Is it appropriate to charge for access to the Code? How does this impact on the transparency and accessibility of the Code? Are any changes warranted in the way in which charges are calculated?*

Response: It is appropriate to charge for access to the BCA. Many pieces of Government legislation refer to other documents including Australian Standards, all of which the community has to pay for. The ABCB has provided various levels of access to the BCA. The charges however, should be kept as low as possible to enable as many people to obtain and use the BCA. There are still a surprisingly large number of builders (and even designers) who do not possess a current copy of the BCA.

- *What activities or strategies could improve accessibility to the Code?*

Response: The ABCB strategy as referred to in the ABCB Chairman's submission is supported.

- *What is the nature and extent of differences in the administration of building regulation across the States and Territories? What are the costs of non-uniformity in administration of the Building Code?*

Response: The administration of building regulation in Tasmania as previously noted is in accordance with the *Building Act 2000*. For specific details refer to that Act. The differences between States and Territories and the cost of non-uniformity in administration of the BCA, has been surveyed by the recent ABC

Harmonisation Project. Although some cost savings were identified there was no great enthusiasm for uniformity from either Governments or the building industry.

- *Why have not all the States and Territories adopted the model building legislation? Is it appropriate to have a nationally consistent administrative framework? What would it take for regulatory systems to be consistent?*

Response: As previously noted Tasmania adopted the model building legislation provisions and they are incorporated in the *Building Act 2000*. It would be ideal to have a nationally consistent administrative framework however; it would be a complicated task for most States and Territories to achieve consistency between their stakeholders. While ever we have a federal system there will always be differences. The ABCB should work to minimise the differences.

- *How effective are these compliance checks? Do they impose necessary or unnecessary costs and delays? Have delays improved or worsened recently? What improvements could be made?*

Response: Compliance checking is a necessity for the processes to work, to achieve the necessary outcomes and to protect consumers who use the buildings. They are generally effective. However, due to the high level of building activity and the shortage of building practitioners delays are being experienced. As noted previously, Tasmania's new *Building Act 2000* will come into operation on 1 July 2004 and this Act includes improvements in compliance checking.

- *Are there problems with dispute resolution processes and, if so, what are the main causes?*

Response: Tasmania has a Building Appeal Board established in line with the Model legislation. It is as suggested in the discussion paper a single tier appellant body that focuses on technical, not legal issues. In fact all parties have to agree if legal representation is to be present. The same system has been in operation in Tasmania since 1962 and was the model included in the Model Building Legislation provisions.

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

Response: No.

- *Would the establishment of a Building Appeals Board address existing weaknesses or would other mechanisms be more effective?*

Response: Refer to above comments.

5.2 Reforming the risk and liability landscape

- *What are the main differences across States and Territories with respect to the allocation of risk and BCA compliance responsibility for building practitioners (designers, certifiers, builders, etc)? How significant are they? What are the insurance requirements?*

Response: The Tasmania *Building Act 2000* includes all the liability reforms of the Model Building Legislative provisions. They include limiting liability to 10 years, proportionate liability, building practitioner accreditation (designers, builders and building surveyors) and practitioner insurance. Refer to the Act for further information. The insurance provisions have been determined by Ministerial Order.

- *What has been the impact of changes to liability arrangements and what remains to be addressed? What has been the role of the ABCB in the reforms?*

Response: At this stage any impact of the changes are not apparent, as the Act is not in force until 1 July 2004. The only remaining issue that needs to be addressed is run-off cover. The predecessor of the ABCB (the Australian Uniform Building Regulations Co-ordinating Council) and not the ABCB instigated the reforms through the Model Building Legislation provisions Project. The ABCB has been reluctant to address the liability and insurance issues at a national level because these issues were not seen to be within the objectives of the ABCB.

- *Are there other mechanisms available to implement an efficient allocation of risk and liability across the building industry?*

Response: None known.

- *What has been the role of the ABCB in introducing private certification?*

Response: No role. The predecessor of the ABCB (AUBRCC) introduced the issue through the Model Building Legislation provisions Project in 1991. The ABCB has however developed consistent qualification and education models through the National Accreditation Framework.

- *What is the role of private certifiers across States and Territories? What requirements must they meet in each State and Territory in order to practise?*

Response: In Tasmania the role is that of a building surveyor. A building surveyor operating in the building permit process issues certificates of likely compliance with the BCA, undertakes inspections, issues occupancy permits and final inspection certificates. Building surveyors are required to be accredited and have insurance before they can practice. The building permit is then issued by the Permit Authority (Council).

- *Do these roles and requirements differ from local government certifiers?*

Response: No. The Tasmanian legislation does not recognise a difference between “public” or “private” building surveyors.

- *What have been the benefits and costs of private certification? What is the risk of conflicts of interest (such as when the builder or developer pays the certifier) or improper conduct of certifiers under current arrangements? What alternative arrangements might reduce this risk?*

Response: An interim system of private building surveyors has been in use in Tasmania for the last two years. Anecdotal evidence suggests that time and costs have reduced. The *Building Act 2000* includes detailed provision relating to conflict of interest issues.. The building surveyor must be engaged by the owner or the owner’s agent.

- *Are certifiers adequately trained to perform their jobs? What has been the impact of the ABCB’s competency standards and framework for building surveyors/certifiers?*

Response: In Tasmania, relevant qualifications and experience for a building surveyor have been part of the legislation since 1962 and were last amended in 1994. The qualifications and experience since 1994 has been equivalent to national accreditation under BSAP. Tasmania has adopted the ABCB’s national framework for building surveyors.

- *What other issues need to be addressed by the Board with regard to certification?*

Response: Further analysis to determine the extent whereby private certification has become private permit issue.

5.3 Awareness and research

- *Have these strategies been effective in raising awareness and usage of the Building Code? Do they contribute to transparency in the reform process? Are there other strategies and initiatives that might be more effective?*

Response: Tasmania is unaware of the take up and usage of the BCA in the State, as it has been unable to date to obtain the required information from the ABCB and the publishers of the BCA. From observations at industry meetings etc. it would appear that the strategies have been effective and are transparent. The State Administration also has a role in raising the awareness and usage of the BCA.

- *Are current education and training strategies adequately equipping building practitioners to operate efficiently and effectively in the performance-based environment? Is training on changes to the Code effective? Is there adequate input from industry, academics and regulators on the competencies to be attained? Is the level and quality of training adequate to maintain expertise in the industry? Do these strategies compare well with international best practice?*

Response: Anecdotal evidence suggests that new practitioners are equipped to operate in the performance-based environment. However, some existing practitioners may not be. The State Administration undertakes training when able on changes to the BCA. Where large changes occur, such as with energy efficiency, the ABCB's national training program appears effective and of a high quality. Generally all training programs developed by the ABCB involve input from industry, academics and the regulators. Tasmania's building practitioner accreditation system requires practitioners to undertake continuing professional development (CPD) before renewal of accreditation can occur.

- *Are the ABCB research areas appropriate? Are resources allocated appropriately? Is the research being used to develop the most appropriate and cost effective Code solutions? What benefits have the Board's research delivered?*

Response: The ABCB's research is supported and resources adequately allocated. The research is cost effective and is developing benefits that States and Territories would be unable to do in isolation.

- *Is the research being well managed and conducted cost effectively? Is the ABCB the appropriate body to conduct and coordinate such research?*

Response: The research is being well managed, is cost effective and the ABCB is the appropriate body to conduct and coordinate such research.