

Australian Building Codes Board



Mr Tony Hinton
Study into Reform of Building Regulations
Productivity Commission
PO Box 80
Belconnen ACT 2616

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GPO Box 9839
Canberra ACT 2601
Ph: (03) 9820 2985
Fax: (03) 9820 2231

Dear Tony

In your discussion with the ABCB on May 27, 2004 you mentioned that one of the issues you were planning to address in the Building Regulation Research Study was the closer alignment of building, plumbing and electrical codes.

Considerable work has been done in respect to plumbing and, with support from the ABCB, a draft Plumbing Code of Australia (PCA) has been produced. This has been a major achievement given the fractious history and failures of past attempts, and considerable credit for progressing this far is due to the specially constituted National Plumbing Regulators Forum, involving all States and Territories, and convened by Michael Kefford, the Plumbing Commissioner in Victoria. This draft Code is fairly consistent with the Building Code of Australia (BCA) in structure but lacks the status and underpinning arrangements needed for its widespread adoption.

All parties agree that it would be a 'step-too-far' to attempt to integrate the PCA into the BCA in the short term but it remains a desirable longer term goal. Before this can be contemplated more needs to be done to establish the PCA on a firmer basis. It is also relevant that in some States, separation of regulatory and service provider functions is yet to occur. This may also inhibit resolution of a national approach. nevertheless, at present it is contemplated that ownership would rest in a Trust with a single trustee, but with all States and Territories becoming members. At best this can only be seen as an interim arrangement and a better permanent solution is required.

There have been a series of discussions recently as to what the best way to carry this forward might be and the attached proposal summarises current thinking. It has not been discussed in detail with the industry or all involved in plumbing regulation, so the approach outlined is to be seen at this stage as principally a recommendation from the Chairman of the ABCB supported by the convenor of the Plumbing Industry Forum. Steps will be taken to circulate it to all stakeholders but it was seen as necessary to submit it to you immediately as an option to be considered for possible inclusion in your draft report, as a means of addressing the matter you raised at our Board Meeting.

Both the Mid-Term Review of the ABCB and your discussion mentioned also aligning electrical regulation with the BCA. Progress in this area has been limited

and considerable obstacles need to be overcome. The necessity for change is probably less pressing in this area but it would be facilitated if it is possible to successfully implement the types of changes proposed for plumbing, to act as an example of what constructive discussion can achieve.

Feel free to use this submission in any way you wish. Perhaps the simplest course would be to make it an addendum to the main ABCB Chairman's submission already in your hands.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Laver', with a stylized, cursive script.

Peter Laver
June 21, 2004

PLUMBING INDUSTRY REGULATORY ARRANGEMENTS

A draft proposal for implementation of the Plumbing Code of Australia

Summary of Proposal

An Inter-Governmental Agreement (IGA) would establish a structure to own, maintain and further develop the Plumbing Code of Australia (PCA). The Code would be applied nationally but be administered by States and Territories, and would aim at national consistency with minimal local variations.

The IGA would be structured similarly to the one covering the Building Code of Australia (BCA) and would establish a Board to oversee the PCA, assisted as necessary by technical committees. The Board members would be the senior relevant regulators from each administration and, as with the Australian Building Codes Board, include a number of industry and community representatives.

Plumbing Regulation Background

- At the time of the establishment of the ABCB in 1994 consultations lead to a recommendation to transfer plumbing responsibilities from the Agriculture and Resource Management Council of Australia and New Zealand and including it within the BCA.
- This could not be agreed and a Steering Committee was set up which recommended in 1997 that consideration be given to two options, the originally proposed transfer to the ABCB and an alternative approach of setting up a similar structure to the ABCB to cover plumbing.
- This created an impasse and discussions stalled, a situation recognised during the 2000 Mid-Term Review of the ABCB, which recommended that a Plumbing Code of Australia be developed which would be consistent with, and in the longer term capable of being integrated with. the BCA.
- A National Plumbing Regulators Forum (NPRF) was established in 2002, convened by the Plumbing Commissioner in Victoria with representatives from all States and Territories and supported in part by the ABCB, which accepted the responsibility for drafting a PCA. An agreed Code was finalised early in 2004.
- To facilitate adoption of the Code nationally a Trust is being established. It is intended all States and Territories will become members of this Trust. The arrangement has always been regarded as an interim one pending a more practical and effective long-term solution being identified and adopted.

The Need for a National Plumbing Regulatory Regime

- Each State and Territory regulates plumbing in its own way, in some cases delegating authority to local water authorities or councils. Heavy reliance is placed on Standards. This has resulted in uneven, inconsistent and even contradictory approaches to regulation.

- Manufacturers, designers and builders are becoming increasingly critical of the chaotic approach to regulation and it is clear the industry is suffering a considerable cost impost while risking compromising safety, health and efficiency standards.
- Considerable pressure is being placed on the ABCB to broaden the BCA to embrace sustainability as a goal and include measures to regulate for energy and water use efficiency. Already state and local governments are starting to mandate measures in these areas and the proliferation of approaches is adversely impacting on building owners and occupiers as well as the industry. The overlap between building and plumbing in these sustainability areas is considerable, even further underpinning the necessity for greater alignment of the regulatory Codes.
- The Australian Government is increasingly using its corporations and interstate trade and commerce powers to require improvements in energy and water use efficiency. Shortly the Water Efficiency and Labelling Scheme (WELS) Bill will be introduced into Parliament which will regulate water products at the retail level but it, and the COAG National Water Initiative on 'urban water' of which it is a part, will only become fully effective in its objectives when there is an overall national plumbing regulatory system.

Establishing an Effective Plumbing Code of Australia

Submissions to the 2000 Mid Term Review of the ABCB and the current Productivity Commission Research Study into Building Regulation have overwhelmingly supported the current ABCB structure even when being critical of some of the outcomes of the overall system.

If regulations for plumbing are to be aligned with building, and possibly eventually even merged into a single Code, it makes sense to establish a regulatory regime for plumbing that mimics the ABCB. It is recognised that the traditional objections still exist, such that in some administrations building and plumbing control fall under different Departments and/or different Ministers. This should not prevent an agreed IGA being established or a Plumbing Code Board being appointed, as the nucleus of such a body already exists in the NPRF.

The scope for a new IGA could be similar to the existing one for the ABCB although attention would need to be given to a range of issues where different practices exist in areas such as Standards, certification, alternative solutions etc.

Financing would be an issue needing to be addressed. Based on the fairly modest costs incurred in developing the draft PCA this should be not be an insurmountable problem, particularly if an arrangement could be made for the new body to share some overheads with the ABCB. As with the ABCB, the new body would be encouraged to identify sources of revenue from commercial activities and run itself cost effectively. No budgeting can be done until a detailed proposal is developed but it would be surprising if an increase of more than 10% on what governments contribute now to support the ABCB would be needed for a new plumbing body.