



## Australian Institute of Building Surveyors

Chemicals & Plastics Regulation Study  
Productivity Commission  
LB2 Collins Street East  
MELBOURNE VIC 8003

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Chemicals and Plastics Regulation  
Productivity Commission Draft Research Report

The Australian Institute of Building Surveyors (AIBS) commends the government initiative to undertake research into the system of regulation of Chemicals and Plastics in Australia. We have read the draft report and appreciate the opportunity to make the following comments and recommendation.

Building surveyors are an approval authority for the storage and use of dangerous and hazardous substances in buildings. The technical standard applied by the building surveyor is the Building Code of Australia (BCA)<sup>1</sup> which is adopted by building regulations in each state and territory. This is distinct from OH&S regulations.

The BCA is a nationally consistent performance based document which is adopted with some variation by the states and territories<sup>2</sup>. The BCA is applied to all building work resulting in a building permit to permit building work to commence and an occupancy permit to permit the use of the building to commence. Most if not all jurisdictions have mandatory provisions that require health and safety systems installed in the building to be maintained to a prescribed standard at a prescribed frequency for the life of the building.

The relevant performance requirements in the BCA for the chemicals and plastics industry relate to; structural stability, the provision of safe exit pathways, the control of fire and smoke spread within the building, facilitating emergency services (i.e. fire brigade response), the provision of fire fighting equipment, the provision of occupant warning systems, maintenance of adequate air quality, and control of contaminated air. While some facilities may exist externally it is anticipated that a large proportion of functions for the chemicals and plastics industry occur within buildings.

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<sup>1</sup> Australian Building Codes Board (2007), Building Code of Australia.

<sup>2</sup> Some states have embraced higher levels of consolidation between OH&S and building regulations as can be seen in the Tasmanian Appendix to the BCA and the Queensland Development Code.

The BCA adopts standards and codes as referenced standards which must be applied. The national standards and codes of practice developed by the Commonwealth dealing with dangerous and hazardous substances have not been adopted by the BCA.

Given the process of regulating workplace chemicals as described in chapter 6 of the Draft Research Report it is apparent that there is significant duplication and inefficiency associated with these two separate mechanisms. The OH&S system is predicated on the ongoing examination of risks without establishing an approval mechanism (which it is suggested may give false confidence that risks are static and are adequately addressed via the approval process) which starkly contrasts the building regulation process which does not include any re-evaluation of an existing building (other than mandatory maintenance of health and safety systems) unless a trigger is provided such as a substantial extension of the building. In time it can be seen that a conflicting standards of health and safety may arise by different authorities (OH&S and the building surveyor) for the same building. This has a direct bearing on Items 1, 4 and 5 of the Terms of Reference for the research report.

**It is recommended that a committee be established which includes representation from the AIBS and the ABCB along with other relevant OH&S agencies to explore and make recommendations to COAG on reforms which may reduce duplication and improve efficiency between OH&S and building regulations.**

This may result in a clearer understanding by stakeholders of the role and responsibility of other participants. Ideally a system should be produced which establishes common language, greater integration of process, and consistent performance requirements.

The resolution of these differences is not one which we would be able to do justice in a written response to this request for public comment. Notwithstanding we appreciate that the existence of two parallel and conflicting methods of regulation must cause significant frustration to industry.

It is noted that there is reference to building regulations at page 267 (Appendix B) of the Draft Research Report. However this minor reference does not adequately represent the significance of building regulations on the chemical and plastic industry.

Yours sincerely



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