

BUILDING REGULATION ADVISORY COMMITTEE (BRAC)

Year in Review

2005 – 2006



Building Standards and Regulation
Workplace Standards Tasmania
Department of Justice

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DEPARTMENT *of* JUSTICE

WORKPLACE STANDARDS TASMANIA

The Hon. Steven Kons LLB MHA
Minister for Justice and Workplace Relations
Parliament House
HOBART TAS 7000

Dear Minister

At a Building Regulation Advisory Committee (BRAC) meeting held earlier this year, it was agreed that BRAC's activities should be formally reported to you, the building industry and the community.

I am, therefore, pleased to present you with this, the Building Regulation Advisory Committee's *Year in Review* for 2005 - 2006.

Yours sincerely,

Robert L Pearce
CHAIRMAN
BUILDING REGULATION ADVISORY COMMITTEE 2005-2006

10 January 2007

Chairman's Report



Robert L Pearce

I am pleased to provide this report as Chairman of the Building Regulation Advisory Committee (BRAC). It has been my pleasure to work with members of the BRAC and the committed staff of Building Standards and Regulation (BSR).

There was no shortage of challenges facing the building industry during 2005–06. Building activity remained buoyant in an environment of skill shortage. The lack of a full time Director of Building Control continued to be problematic, however, recruitment in other key areas has been extremely successful resulting in the appointment of a dedicated and professional team. I take this opportunity to thank them, as the many achievements would not have been possible without their assistance and dedication.

In line with the priorities set by stakeholder groups, a key focus of the year's work, was assisting and ensuring that the authorised body, the Tasmanian Compliance Corporation, delivered on the critical functions of accreditation, complaints determination, auditing and continuing professional development (CPD) for building practitioners. The emergence of housing indemnity insurance as a perceived problem for the industry is a clear indication that the implementation of the *Building Act 2000* is working. The new legislation is simply assisting in achieving compliance with requirements that have existed since 1993.

This year, being the second year since the Building Act fully commenced, saw a change of focus from the initial implementation phase to one of monitoring progress and refinement. Many complex issues such as Mutual Recognition of accreditation, Maintenance of Essential Safety and Health Features and Measures, CPD schemes and requirements for temporary structures have been addressed.

Regular meetings with key stakeholders continued to be a strong focus and we have improved relationships with bodies such as the Tasmanian Building and Construction Industry Council. Training and information sessions provided to permit authorities is one example of engagement with key stakeholders.

Following the State election, responsibility for Workplace Standards Tasmania changed from the Department of Infrastructure, Energy and Resources to the Department of Justice. This move has opened up the potential to create a seamless dispute resolution and complaints determination process given that consumer affairs and building standards legislation now reside in the one portfolio area.

During the year, the BRAC ratified the building levy amount and endorsed expenditure on a number of important initiatives. Without this source of funding it would not have been possible to engage the community through the numerous training and information sessions that were undertaken. This source of funding was also utilised to engage a consultant to examine if Security of Payments was a problem in the Tasmanian building industry.

In closing, I wish to place on record my appreciation for the diligence and preparedness of all BRAC members to remain focussed on achieving the objectives of the Building Act.

Robert L Pearce

Director of Building Control 2003-2006

About the BRAC

The Building Regulation Advisory Committee (BRAC) is established under the *Building Act 2000* (the Act). Its functions are to advise and assist the Minister administering the Building Act and to give effect to the wide ranging objectives of the Act.



Objectives of the Building Act

- (a) *To establish, maintain and improve standards for the construction and maintenance of sustainably designed buildings.*
- (b) *To facilitate-*
 - (i) *the adoption and efficient application of national uniform building and plumbing standards.*
 - (ii) *national accreditation of building and plumbing products, construction methods, building designs, building components and building and plumbing systems.*
 - (iii) *the adoption and efficient use of performance-based technical standards.*
- (c) *To enhance the amenity of buildings, to meet the social needs of people who use buildings, and to protect the safety and health of people who use buildings.*
- (d) *To facilitate and promote the cost effective construction of buildings and the construction of environmentally and energy efficient buildings.*
- (e) *To provide an efficient and effective system for issuing building, plumbing and occupancy permits and administering and enforcing related building, plumbing and safety matters and resolving disputes.*
- (f) *To protect consumers who use building practitioners.*
- (g) *To reform aspects of the law relating to legal liability in relation to building and plumbing matters.*
- (h) *To aid the achievement of an efficient, innovative, competitive and sustainable building and plumbing industry.*
- (i) *To promote the consolidation of building legislation.*
- (j) *To promote the sustainable development of existing buildings and their maintenance.*
- (k) *To provide for the fair, orderly and sustainable use of buildings.*

The BRAC is a conduit for industry stakeholders to draw issues of importance to the attention of government.

Members of BRAC



Top row from left: Graeme Hunt (Manager BSR), Greg Cooper, Ken Greig, Richard Bloomfield.

Bottom row from left: Stewart Wardlaw, Greg Robertson, Margot Smart and Monty East.

Absent: Stuart Barwick and Jeff Knight.

The BRAC is a committee of ten persons appointed by the Minister who, between them, have knowledge and expertise in the areas of building surveying, architecture, engineering, building, plumbing, local government, firefighting and fire safety, the interests of the community, and environmental and public health.

The current members of BRAC were appointed to the committee on 30 April 2005 for a period of three years.

Eight meetings of BRAC were held during the period 1 July 2005 to 30 June 2006.

Members of BRAC	Area of knowledge and expertise	Meetings attended
Mr Robert L Pearce (Chairman)	Government	6
Mr Stuart Barwick	Building surveying	7
Mr Richard Bloomfield	Building	8
Mr Monty East	Architecture	6
Mr Greg Cooper	Engineering	6
Mr Ken Greig	Plumbing	7
Mr Jeff Knight	Fire fighting and fire safety	8
Mr Greg Robertson	Environmental and public health	6
Ald Margot Smart	Community	5
Mr Stewart Wardlaw	Local government	6

Strategic Planning

In September 2005 BRAC held a special meeting to workshop issues associated with the implementation of the Act.

Issues were identified and grouped into a number of categories such as -

- Strategy for dealing with implementation.
- Education/training of stakeholders.
- Compliance/audit/enforcement of stakeholders.
- Communications/consultation with stakeholders.
- Owner builder provisions/education/compliance/enforcement.
- Skills shortages of practitioners/council staff.
- Compliance/audit of TCC.
- Budget.
- Miscellaneous issues.

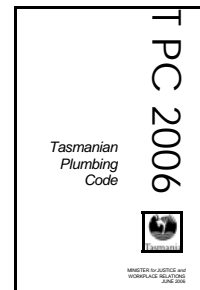
BRAC agreed to prioritise the issues into high, medium and low categories. This prioritisation has provided guidance to Building Standards and Regulation (BSR) in undertaking its administration of the Act.

Legislation



New regulations and codes reviewed and endorsed by BRAC were -

- *Plumbing Amendment Regulations 2005*
- *Building Amendment Regulations 2006*
- *Tasmanian Plumbing Code 2006*

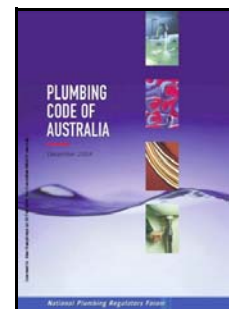


BRAC reviewed and provided advice to BSR on the following new and amended legislation -

- *Professional Standards Act 2005*
- *Sullivans Cove Waterfront Authority Act 2004*
- *Strata Titles Act 1998*
- *Housing Indemnity Act 1992*
- *Occupational Licensing Act 2005*

The BRAC reviewed and provided advice to BSR on the 'Better Planning Outcomes – Improving Tasmania's Planning System' Response Report published by the Department of Primary Industries, Water and Environment for the Better Planning Outcomes Steering Committee.

BRAC also reviewed and provided advice to BSR on new and amended technical documents (such as Australian Standards) which are referenced in the Building Code of Australia, the Plumbing Code of Australia, the *Building Regulations 2004* and *Plumbing Regulations 2004*.



Implementation of the Act

A number of implementation issues were reviewed and advice provided by BRAC to BSR on an ongoing basis and included -

- *Auditing of local government permit authorities*
- *Owner builder auditing, compliance, education and training*
- *Accreditation by the Tasmanian Compliance Corporation*
- *CPD Project for builders undertaken throughout Tasmania*
- *Maintenance of Essential Safety and Health Features and Measures*
- *Builder Group issues*
- *Insurance*

In November 2005 BRAC initiated a process to audit the Tasmanian Compliance Corporation. This was subsequently overtaken by the KPMG audit requested by the Minister.

BRAC reviewed many issues related to building and plumbing brought to the committee by BSR and provided advice on those issues. This included the Building Code of Australia and the Plumbing Code of Australia and their associated documents.

Building Administration Fund

BRAC reviewed and endorsed a budget policy and timetable for dealing with the Building Administration Fund Budget and reviewed and endorsed the 2006-2007 budget. The BRAC also reviewed and endorsed the current levy amount.

Training and Education



With the appointment of a BSR education and training officer in December 2005, an education training needs analysis for stakeholders and the ongoing implementation of the Act were reviewed by BRAC and advice provided to BSR.

The major focus in 2006 was the training provided for local government. The feedback from participants was extremely positive, and confirmed that many of those who now find themselves in permit authority roles have been lacking in understanding both of the new legislation as a whole and of the intent of a range of specific sections.

An interesting characteristic of many of the participants was a desire to be directed by the legislation rather than to be given flexibility to act according to the merits of a particular situation.

Other Activities

Attendance and representation at outside meetings

In July 2005 five members of BRAC participated in a combined Australian Greenhouse Office and Australian Building Codes Board presentation and consultation workshop on a scoping study to assess the need to adapt buildings for the unavoidable consequences of climate change.

In March 2006, three members of BRAC and BSR staff represented Tasmania at an Australian Building Codes Board two-day 2006 National Technical Summit held in Hobart.

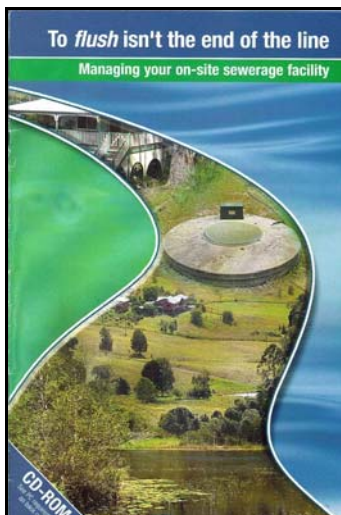
Review of reports and issues

BRAC regularly reviewed reports and provided advice to BSR staff in relation to the work of various boards and committees involved in building and plumbing matters including –

- Australian Building Codes Board (ABCB)
- Building Codes Committee of the ABCB (BCC)
- National Plumbing Regulators Forum (NPRF)
- Building Licensing Australasia (BLA)

Issues reviewed included the development of a new Inter-government Agreement for the Australian Building Codes Board; Building Code of Australia technical amendments being considered by the BCC; the new Plumbing Code of Australia developed by the NPRF and Mutual Recognition accreditation issues being dealt with by BLA and COAG.

CD Toolkit *'To flush isn't the end of the line'*



Building Standards and Regulation began the development of a Tasmanian version of the CD Toolkit *'To Flush isn't the End of the Line'*. This interactive CD and accompanying booklet is an invaluable tool which aims to educate and raise the awareness of homeowners and occupiers about on-site waste water management systems. A survey form was sent to all councils to gauge interest. The responses to the survey indicated that the majority of councils were interested in purchasing the Toolkit.

At the BRAC meeting held in May 2005, it was agreed that after appropriate amendments have been made to the CD Toolkit, that they be purchased for general distribution to councils. BSR's Plumbing Advisory Committee is currently reviewing the Toolkit and recommending amendments to reflect Tasmanian conditions and legislation.

Future enforcement and research capacity

The BRAC determined that the appointment of an Audit and Compliance Officer to enforce the various provisions of the Act was necessary. Research proposals include Bushfire Prone Areas and building waterproofing investigations.