

BUILDING ACT PROJECT – FEEDBACK REPORT

This paper provides an overview of the major issues raised with the current proposals for a Building Act.

FEEDBACK ON *DISCUSSION DRAFT – A NEW BUILDING ACT FOR WESTERN AUSTRALIA*

The Department has received 109 submissions in total in response to the Discussion Draft. These are broken down as follows:

- 59 from Local Government (this includes WALGA; LG employees who provided separate submissions; etc.)
- 25 from Industry (including peak bodies and private companies)
- 12 from Government
- 13 from Community

Issues for Further Consideration

A large number of the submissions highlighted particular issues that will require detailed consideration in the next phase of the project. These issues include:

- The type of administrative structure (e.g., a Building Commission model) that should be developed to support a new building regulatory system.
- The definition of a building, including which works should be considered exempt, and to what extent the definition should align with that used by other jurisdictions.
- The role of Local Governments in the risk management of certification of compliance and random audits of the entire process.
- Whether a building licence should be issued to the owner or to the builder.
- The separation of the building approval and building licence issuing processes.
- The extent to which inspection regimes should be mandated by legislation.
- Appropriate deterrent measures for non-complying buildings.
- Clarification of the role of Government in ongoing monitoring of building maintenance.
- The type of model of professional registration that should be established (eg, a separate Acts model or centralised model).
- Accreditation of certifiers.
- The development of an appropriate fee structure.

Support Indicated

In general, the comments received to date through public submissions and various discussions and meetings with a wide range of stakeholders indicate broad support for a new Building Act along the lines outlined in the Discussion Draft.

There is considerable support for the proposals from those involved in the commercial sector of the industry where the proposals provide a framework that formalises a process that already exists in that sector.

Support has also been indicated from the industrial sector where the proposed framework will provide greater clarity of what is regulated under building legislation, as well as more flexibility.

Main Issues Raised

A number of issues and suggestions for further consideration have been consistently raised with the Department, predominantly from local authorities and the housing sector of the industry.

The suggestions raised by local government include:

- Merging building, planning and engineering approvals into a single process for simple and domestic buildings where formal development approvals are not required.
- Simple structures (sheds, patios etc) should have a prior approval process where town-planning schemes apply to help local governments manage ratepayer expectations.
- Confirming the cost implications for local governments so that fee income covers costs, while still allowing scope for local governments to provide advice on building matters to local residents.

Other suggestions made by housing sector stakeholders include:

- Confirmation of the proposal for a separate approval process for simple / domestic buildings with a preference for it to reflect closely the existing approval process through local governments.
- Balancing risk of construction in rural and remote areas with the need for independent inspection. An appropriate balance between self-certification for simpler, low-risk structures and independent inspections on high-risk structures is needed to keep costs under control.

NEXT STEPS

The Government has established a Stakeholder Reference Group and various Working Groups to progress the next phase of the Building Act Project. The next phase of the project is focused on addressing the issues raised during consultation, refining the proposals, and developing detailed provisions for the legislation.

Public submissions will be made available to the reference and working groups to assist in refining the proposals and developing detailed provisions.

FURTHER INFORMATION

For a detailed summary of public comments received, and for further information on the Building Act Project, please visit the Departments of Housing and Works website at <http://www.dhw.wa.gov.au/buildingactwa> .