

CODES REVOLUTION IS ON ITS WAY

New Property - Building and the Law

By KIM LOVEGROVE

A NATIONALLY ground-breaking inter-governmental initiative reached fruition last week with the launch of the new Building Code of Australia.

It was followed by a national seminar from 13 to 19 October hosted by the Australian Building Codes Board and the AIBS, in Queensland.

Over 500 people were there to hear addresses from the officers of the ABCB and overseas experts. The conference was a resounding success and a credit to the organisational abilities of the ABCB and, in particular, of Mike Balch, the technical manager.

The performance-based BCA which will become law around the nation in mid-July 1997 has taken two years to develop under the management of Norm Bowen and Stewart Maclellan of the ABCB.

The new BCA is divided into a commercial and industrial volume and a housing provision volume. This will replace the existing BCA that has been operational since 1991.

For those unfamiliar with the BCA, it is a national technical document that is called up by the State and Territory Building Acts. It comprises technical requirements and laws for construction. It is a critical, indispensable part of the construction regulatory framework as it prescribes the technical requirements that buildings have to satisfy.

The significance of the new BCA is that it is a performance option document. Eighty-five per cent of the existing BCA comprises prescriptive provisions, with few performance-based provisions. In the new BCA, virtually every prescriptive or "deemed to satisfy" provision will have a performance-based option.

The difference between a performance provision and a prescriptive provision is that the later allows far more flexibility, hence greater options for regulatory compliance. The BCA gives the applicant the option of taking either the prescriptive or the performance route to regulatory compliance. If the performance route is adopted, as long as a building application complies with the objectives and functional requirements of the BCA, a building surveyor can sanction it.

This week's column concentrates on background issues to the performance approach and offers insights into the organisation responsible for this initiative.

The ABCB comprises a board accountable to a ministerial council made up of the nine intergovernmental ministers responsible for building regulation in Australia. The members generally comprise the directors-general or secretaries for planning and development of each jurisdiction. It meets five times a year and devises the paramount policy and strategic direction of the organisation. The acting chief executive is John Grant.

An exceedingly important interface group called the Building Codes Committee, comprising the principal building controllers from each jurisdiction, works with the directorate to ensure that technical regulations are developed with the imprimatur of all jurisdictions. There is also an industry liaison committee, consisting of key industry representatives.

The ABCB is funded by the state, territory and federal governments. The Federal Government funds half of the organisation and the other jurisdictions contribute varying amounts, Victoria and NSW being the next main financial contributors.

In its previous life, the ABCB was known as the Australian Uniform Building Regulatory Coordinating Council or AUBRCC. AUBRCC produced the inaugural BCA and, prior to this, the Model Building Code. It also produced the National Model Building Act that has been largely adopted in Victoria, the Northern Territory and South Australia. For an organisation with a surprising degree of anonymity, the extent of its impact upon the building industry has been quite extraordinary.

Over two years ago, the board directed the ABCB directorate to develop a performance-based building code. The rationale was that it would generate greater efficiencies, more innovation and cost savings.

This move was also sympathetic to emerging world trends, as many jurisdictions have done so or are going down the same path.

It is a fact that as the world moves towards regulatory harmonisation, via the likes of GATT and APEC, the need to embrace the performance culture will become increasingly paramount. Failure to do so could result in de facto embargoes achieved by regulatory incompatibility and codification impediments.

Many countries have already embraced performance. Holland did so in 1992; the Nordic countries in the early 90s; New Zealand in 1992. Canada aims to have a performance code by 2001. The United States of America and Japan are rapidly heading down that route.

In summary, the new performance-based building code will have a profound influence in the construction industry, bringing about a cultural change.

The ABCB will be conducting an extensive national education program in 1997 to prepare the industry for a shift in mindset.

Our forthcoming columns containing important interviews will be musts for builders, building surveyors, architects and engineers, in particular.