

National backing for uniform building laws

AUST. - 9 FEB 1991

By PENNY ROBINSON

THE States and Territories are showing unprecedented co-operation in tackling bureaucratic red tape in the property industry.

A peak council with representatives from the three tiers of government is drafting uniform building legislation to be considered for adoption by the States and Territories in July.

And national heads of community interest and industry groups are being directly consulted through the process.

Western Australia, one of the keenest advocates of uniform legislation, is even holding the drafting of a new building Act in abeyance pending the outcome of the review.

If successful, the move could prove a model for future microeconomic and legislative reform.

The pace of reform is extraordinary considering that local councils in Victoria were responsible for building laws until 1945 and Queensland councils retained that power as late as 1975.

And it is unusual to see rival

ruling parties in the States consider a move to uniformity where they may otherwise snipe at each other over perceived inefficiencies and comparative advantages.

The model legislation follows on from the Building Code of Australia, which seeks consistency in the technical aspects of building.

The review arose out of the local government ministers' conference in mid-1990.

Together the changes could save the land and building

mentary counsels around the country.

It is about to release a series of papers and launch seminars on the legal and administrative issues of the reform.

The first, A Comparative Study of the Primary Building Acts of Australia, is due out next week. It highlights the inconsistencies and inefficiencies between the administrative systems of each State and Territory and identifies significant similarities.

An example is the appeal

ers the matter to a building referees board, or to a director of building control or arbitrator. Each has its own decision-making process.

Sitting separate in all this is the County Court, which handles all appeals from the Plumbers Gasfitters and Drainers Registration Board and the accreditation authority.

Victoria's Regulation Review Unit found that the cost of unnecessary regulation to the State's building industry was \$475 million a year.

The Comparative Study paper says: "The sequence and format of some legislation is cryptic and haphazard and meanings obscure. An enormous amount of deciphering and cross-referencing is required, making it very difficult for end-users of legislation.

"An end-user is further disadvantaged by the alarming frequency and scope of amendments to the legislation and is frequently compelled to engage highly specialist lawyers and consultants to decipher the legislation and regulations."

Reforms will lead to billion-dollar savings

development industry more than \$1 billion a year nationally by reducing delays and the costs of legal and technical advice.

The Australian Uniform Building Regulations Co-ordinating Council has commissioned the law firm of Mills, Oakley & McKay to prepare the model building Act in conjunction with chief parlia-

mentary counsels around the country.

Where South Australia resolves all disputes through building Act referees and umpires subject to the watchdog of the Supreme Court, Victoria's system appears far more convoluted.

The State's appeal procedure begins with a local authority, which usually ref-