

Plan drafted for national building law

By DAVID SOLOMON

DRAFT legislation to provide for a uniform national building law suggests that radical changes will be made to the legal environment surrounding the construction industry.

The proposed law will impose a ten-year limit on the liability of councils and others engaged in the design, construction or approval of buildings and will require courts to apportion the degree of responsibility of those involved.

The ten-year limitation period would begin from the time when a certificate of occupancy was granted. At the moment, liability runs from when defects are or should have been detected.

The proposals would greatly reduce the liability of local councils for damages because they would be responsible

Will impose 10-year limit

only for their own errors and would not be liable to make up for damages attributable to architects, builders or material suppliers.

However, the legislation would also require building professionals such as engineers, architects and building surveyors to have proper professional insurance.

The scheme has been developed under the auspices of the Australian Uniform Building Regulations Co-ordinating Council, chaired by the Victorian director of building control, Mr Lyall Dix.

It is a significant feature of the micro-economic reform package being considered as part of the special premiers conference. The draft legislation is likely to be put before the premiers in November.

In the meantime it is likely to be revised in detail by representatives of State, Com-

monwealth and local governments, and by the building industry and consumer representatives.

The draft which has just been completed by the NSW parliamentary draftsman will be considered next month at an AUBRCC-sponsored conference in Melbourne, shortly after the council reviews its provisions.

Those meetings are likely to result in a modified draft being considered by more industry and government conferences later in the year.

The scope of the proposals can be seen from the objectives which are listed in the Bill. These include:

- Establishing and improving building standards.
- Facilitating the adoption and application of national uniform building standards.
- Facilitating national uniform accreditation of building products, construction methods, building designs, building components and building systems.
- Providing an effective system for giving approvals and administering related building matters.
- Facilitating cheap construction of buildings.

The Bill provides for the accreditation of building products, construction methods, design, components or system by the Building Accreditation Authority, and no council can refuse to say that anything accredited in this way is not satisfactory.

The Bill also contains a mechanism for allowing ministers to take matters out of the hands of local councils where particular projects are determined to be of national, State or regional significance.

The legal project consultant to AUBRCC on the scheme, Mr Kim Lovegrove, a partner in the Melbourne firm Home Wilkinson and Lowry, stressed that the Bill was still "at a malleable stage".