

Ref: CS06010 – 12 May 2006

Commissioner
Standards & Accreditation Study
Productivity Commission
Reform of Building Regulations
PO Box 80
BELCONNEN ACT 2616



**ENGINEERS
AUSTRALIA
SOCIETY OF
FIRE SAFETY**

Dear Commissioner

Re: Standards & Accreditation Study

The Society of Fire Safety (SFS) is a learned society of Engineers Australia (EA), with a particular interest in fire safety matters. Since its inception in 1994 the society has focussed primarily on Building Regulatory matters that relate to fire safety, particularly the Building Code of Australia (BCA), State Legislation and incorporated Australian Standards. The SFS is therefore a key stakeholder and has an active and ongoing interest in matters affecting the regulatory approval process and therefore Australian Standards.

The SFS supports the submission lodged by Engineers Australia and offers the following other pertinent points.

Standards are often developed by committees on a consensus basis which process, by its nature, involves finding a solution that all parties can accept. A consensus does not necessarily mean that the "best solution" or "right solution" has been developed or that the public interest has been met. A consensus document usually represents a practical and reasonable solution to a narrowly defined range of specific problems. For example, it does not mean that all committee members voted for the Standard for the same reason. Most of the time, each committee member might feel there is a better option but accepts the consensus outcome as a reasonable and practical solution and it will be seldom that the agreed view represents a minimalist approach.

Increasingly, Standards development is focused on 'best practice' rather than 'a minimum effective solution to the problem being addressed' and whilst this is a worthy and useful goal, when translating this approach to a regulatory framework there are obvious difficulties if a best practice Standard is used to benchmark minimum community safety standards.

The SFS supports more transparency and clarity in the initial drafting instructions given to standards committees so that regulators and

practitioners can make more informed decisions in relation to the scope, application and intent of a standard. Additionally, where a standard is produced that is not intended for adoption in legislation, or is considered by the regulators to be unsuitable for adoption in legislation, the legal status of that standard should be clearly articulated by Standards Australia (for example, some documents may be better described as 'guidelines' or 'handbooks'). This would then assist practitioners in giving the appropriate advice to clients regarding compliance with a particular standard. This is particularly relevant to retrospective compliance with a Standard published after completion of a building or structure.

A real example of the possible implications of this are described in the case of *Enzo Cardone vs. Trustees of the Christian Brothers No. SC609 of 1999 (1994) ACTSC 85*, where a building owner was found liable for compliance with an Australian Standard for glazing that was not required by statute and did not exist at the time the original glazing was installed.

The SFS supports the ongoing work and technical expertise of Standards Australia and supports this process through significant representation of SFS members on Standards Committees, and the above comments are put forward with a view to assist practitioners and the public to better understand the intent and application of each Australian Standard as it is published.

We would be pleased to provide any further input or assistance that the Commission may require. If you would like to discuss this submission further please contact the undersigned or Stephen Kip on (03)9767-1037.

Yours Sincerely

[Signed]

Carmel M Coate
EXECUTIVE OFFICER