



The Hon Karen Andrews MP

Minister for Industry, Science and Technology

MC18-002423

Mayor David O'Loughlin
President
Australian Local Government Association
8 Giels Court
DEAKIN ACT 2600

Dear Mayor O'Loughlin

Thank you for your letters of 2 August 2018 to the former Minister for Jobs and Innovation, Senator the Hon Michaelia Cash, and the former Minister for Small and Family Business, the Workplace and Deregulation, the Hon Craig Laundy MP, seeking comment on the National General Assembly of Local Government's resolutions in respect of building regulations. Your letters have been referred to me as the new Minister for Industry, Science and Technology.

Before addressing the specific Resolutions, I affirm that the Australian Government recognises the importance of building safety and has been working collaboratively with state and territory governments, through the Building Ministers' Forum (BMF) to assure the Australian community that our buildings are safe.

In that context I would like to highlight the recent decision of the BMF, relating to the *'Building Confidence – Improving the effectiveness of compliance and enforcement systems for the building and construction industry across Australia'* report, prepared by Professor Peter Shergold and Ms Bronwyn Weir. On 10 August 2018, BMF Ministers directed the development of a paper that sets out an implementation plan for reform based on the recommendations of the report. Recommendation 5 of the report is particularly relevant to your organisation, in that it encourages greater collaboration and a more effective partnership between parties with regulatory responsibility for buildings, including state and local governments. The full report is available at www.industry.gov.au.

In relation to Resolution 19, as you are aware, state and territory governments have responsibility for regulating building and construction activities in their respective jurisdictions. Issues of funding for rectification work are also a matter for state and territory governments. This is being actively discussed by the BMF, and I note that several jurisdictions have taken steps to address these issues. For instance, the Victorian Government has recently proposed the introduction of a mechanism to provide for low-interest loans for cladding rectification work.

In relation to Resolution 20, I understand that there are concerns about unregulated short-term accommodation, such as Airbnb and Stayz. However, this is primarily a post-occupancy building management issue, and is therefore a planning control matter within the responsibility of state and territory governments.

I would be grateful if you could clarify the intent of the National General Assembly's Resolution 49, before I provide a formal response.

If the resolution is referring to the Guideline on the Application of the Premises Standards, you should note that the Australian Human Rights Commission (AHRC) developed and issued the Guideline to assist persons and organisations to understand their rights and comply with their responsibilities under the *Disability Discrimination Act 1992* (DDA). I also note the Guideline is not legally binding.

Alternatively, if the resolution refers to the *Disability (Access to Premises – Buildings) Standards 2010* (the Premises Standards), made under the DDA, I can advise that the Government completed a review of the Premises Standards in April 2016.

As you may be aware, my department has established an Expert Advisory Group (EAG) to provide technical advice and guidance on issues raised by the review of the Premises Standards. I am advised that Mr Rolph Vos was invited to join the EAG, given his role as the ALGA representative on Australian Building Codes Board (ABCB).

The adequacy of the existing wheelchair dimensions prescribed by AS 1428.1 was an issue identified in the review of the Premises Standards, and the EAG intends to consider this issue in consultation with Standards Australia's technical committee (ME-064). As such, I would encourage ALGA to pursue this resolution through the EAG.

In relation to Resolution 73, I can advise that the ABCB is in the process of investigating the adequacy of balustrade heights in the National Construction Code.

In relation to Resolution 87, the matters you raise relating to Smart Cities sit within the portfolio responsibilities of the Minister for Cities, Urban Infrastructure and Population, the Hon Alan Tudge MP. I have forwarded a copy of your letter and this response to him for consideration.

As you have noted, the Government's Digital Economy Strategy is expected to be released later this year. It will provide the framework for an ongoing, open conversation about our digital future, which builds on our investments and work to date.

New technologies provide the ability to revolutionise city planning and make cities more prosperous and sustainable. Real time data and smart technology will lead to better utilisation of infrastructure and better benchmarking of city performance. The Strategy is being developed with regard to the Smart Cities Plan to support more productive, accessible and liveable cities.

I would welcome your continuing engagement on issues relating to the digital economy and in particular how they relate to your members.

Thank you again for your continued interest in these important issues.

Yours sincerely



Karen Andrews

11 / 9 / 2018