



**Australian
Institute of
Architects**

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The Royal Australian Institute of Architects
trading as Australian Institute of Architects

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17 August 2023

Hon Sue Ellery
Minister for Finance; Commerce; Women's Interests
12th Floor, Dumas House
2 Havelock Street
WEST PERTH WA 6005

Dear Minister,

**RE: LETTER OF SUPPORT FOR THE DRIS REFORMS TO THE APPROVAL PROCESS
FOR COMMERCIAL BUILDINGS IN WESTERN AUSTRALIA**

I am writing to you on behalf of the West Australian Chapter of the Australian Institute of Architects (the Institute WA), the peak body for the architecture profession in Australia.

In WA we have more than 1,200 members, together employing thousands of people in WA's construction sector.

Annually our members are involved in billions of dollars worth of West Australian construction projects. Our 2023 awards program alone, which features major projects by the West Australian government and the private sector, has a combined total value of approximately \$1.4 billion.

The Decision Regulation Impact Statement (DRIS) prepared by the Department of Mines, Industry Regulation and Safety (DMIRS), Building and Energy division, is a planned regulatory response to the implementation the recommendations of the Shergold Weir¹ report in Western Australia.

As a critical part of the construction sector, the Institute has been successfully engaging with the Department in its proactive consultation process since 2019 via submissions² and regular meetings to ensure that the DRIS achieves its aims and represents the interests of all building professionals.

¹ Refer *Building Confidence* 2018 Report:

https://www.industry.gov.au/sites/default/files/July%202018/document/pdf/building_ministers_forum_expert_assessment_-_building_confidence.pdf; WA implementation summary <https://www.commerce.wa.gov.au/building-and-energy/building-industry-reforms-our-work-national-building-confidence-report>

² 2020 submission: <https://www.architecture.com.au/wp-content/uploads/AIA-ACA-commercial-building-approval-reform-submission-WA-June-2020.pdf>; 2022 subsequent submission: https://www.architecture.com.au/wp-content/uploads/220304-BuildingEnergy-BCR-R16-process_AIA-ACA-response.pdf



The Institute supports the DRIS to ensure that in Western Australia:

1. Quality is embedded into the value system of the design and construction process;
2. The roles and accountabilities of those involved are clearly defined; and
3. The West Australian building regulatory system recognises the value of good design, thorough documentation and construction oversight to the overall life cycle costs, maintenance and operations of buildings while meeting the functional needs and expectations of the end-users.

The reforms in the Consultation RIS (CRIS) and subsequent DRIS provide a high level of detail and are a positive step to setting minimum standards across the state for the building and construction industry. We applaud the State Government for its commitment and steps toward implementing the recommendations of the Shergold Weir Report, *Building Confidence*.

Background

Regulatory reform should be advancing the professions and industry to deliver the best possible outcomes for the community. There needs to be real changes to the industry, as opposed to creating 'perceived short-term' confidence.

The current market sees developers and building contractors fragmenting the design, documentation and site observation stage services of the professional team (architects and engineers). Instead of maintaining a consistent consultant team, building contractors can shop around the market mid-project to change the team and reduce fees. This process undermines a cohesive process and the potential to achieve quality outcomes.

Architects are not always engaged to prepare documents for all stages of the design and documentation process and this lack of continuity is, in our opinion, one of the key contributors to problematic building quality issues.

For large and complex projects, continuous independent oversight and quality assurance is required throughout the design and construction stages, to mitigate errors and manage risk.

While there have been many contributing factors to the current crisis, a significant part of the problem has been the rise of a method of procuring building services called the design and construct, or D&C contract.

Without quality controls in the building process, government and industry cannot restore public confidence in the building system when there are building failures.

Support for proposed reforms

As outlined in our submission in response to the CRIS, the Institute supports the balanced and phased implementation of the Shergold Weir recommendations.



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In particular, the Institute commends the following initiatives:

- Regulators' monitoring and enforcement powers
- Fire Authority Consultation reforms
- Reforms to the building documentation requirements
- Regulatory consideration of variations during the construction process
- Proposed retrospective building approval process
- Mandatory inspection points throughout the construction process
- Mandatory building manuals for building documentation and operational information

These regulatory considerations in DRIS, with a focus on building safety and long-term building quality, will improve the building stock in Western Australia, ensure accountability and complaint pathways for owners/occupiers and encourage improved design quality of commercial buildings.

In my role as the Western Australian Chapter President, I look forward to discussing the implementation of the DRIS in WA's regulatory framework at our next meeting on 26 September 2023.

Yours sincerely,

Sandy Anghie RAlA

STATE PRESIDENT WESTERN AUSTRALIA

CC: Saj Abdoolakhan

Executive Director – DMIRS Building and Energy