

Draft Record of Meeting
Inter-Jurisdictional Regulatory Collaboration Committee
February 1, 2 and 3 1998, Surfers Paradise, Australia

1. **Welcome**

The meeting was opened by the Chair and host, Mr Ivan Donaldson, who welcomed the group to Australia.

2. **Attendees**

Members

Tomiyoshi Ogawa	Ministry of Construction, Japan
Tony Rackliffe	United Kingdom
Russell Thomas	National Research Centre, Canada
Brian Cashin	Legal Adviser, BIA, New Zealand
Beth Tubbs	ICBO, USA
Brian Meacham	SFPE, USA
Ivan Donaldson	Executive Director, ABCB, Australia
Mike Balch	Deputy Executive Director, ABCB, Australia
Margaret Brassington	DIST, Australia

Observers

Wayne Bretherton	ABCB, Australia
Gavin Kelleher	ABCB, Australia

3. **Overview of Work Program to Date**

The members provided an overview of their countries current work program to date as detailed below:

- Australia - BCA 96 adopted by all states and territories on 7 January, commentary on the performance BCA will be published in July 1998, national peer panel proposal was being developed, ABCB will take lead in national plumbing reform and the regulatory impact statement regarding access to buildings for people with disabilities was distributed to all members.

- United Kingdom - Overview of the UK regulatory process including the options for inspection, two new approved documents had been released and were called up in legislation in January 1998. Regulation relating to access for people with disabilities was currently under review.
- SFPE - “Brian Help”
- Canada - OBC process was outlined and progress was generally on schedule, considerable effort and resources had gone into reviewing the current code in an attempt to identify the intent of the code. This work has revealed the requirements include significantly additional intents than those stated in the code.
- New Zealand - Dr Bill Porteous has been appointed as the new BIA CEO to begin March 8, 1998. Local authority has the power to override the provisions of the NZBC in issues relating to planning decisions. Earthquake design and construction criteria is the hot topic at the moment.
- United States - Still developing first draft of national performance code. The International Codes Committee should have this draft ready for comment this summer. Significant amounts of positive feedback had been received regarding the proposal for a “Roadshow” which will be used to introduce awareness to the code development around the country.
- Japan - Draft Building Law proposal was finalised on 23 January. Cabinet proposal due on March 10 and it is hoped to be called up in legislation by May-June. Main issues are the privatisation of inspection systems and the setting up of inspection schedule.

4. Minutes of IRCC 3, Japan

Minor alterations to New Zealand’s update of members progress of performance-based efforts were made. The amended minutes were accepted.

5. **Review and Development of Draft Work to Date**

The Committee reviewed papers drafted to date and considered it would be impossible to address all issues, originally identified at IRCC 1, in time for the Maui meeting and document release.

It was agreed that the papers should only address those issues that were prioritised by the committee and could be fully developed for the Maui meeting

The papers were to be redrafted and amended as follows:

- *Process Management (Managing the Change Process)*

Mr Ogawa (TO) had provided an initial draft of this section which was considered to require considerable expanding to address all of the issues raised at IRCC 1. However, BM with support from RT had offered to provide an initial draft of the introduction and it was felt some issues identified for this section would be better addressed in the introduction. This therefore requires the Process Management section to address the following issues:

1. Interdependence of Issues
2. Timing/Phasing
3. Costs (resources, cost benefit analyses)
4. Resource Management
5. Developing Ownership
6. Who Manages (public/private)
7. Managing relationships with other agencies

The redrafting of this section will be carried out by BT and TO.

- *Technology*

It was acknowledged that this paper needed to cover a much broader range as discussed at IRCC 3, however BM would need considerable help from other members to achieve this. Agreement was reached to finalise this paper in relation to fire safety and acknowledge the broader work still to be covered.

The paper is to be restructured, reflecting this proposal, and the issue of Information Access Tools (IRCC 1) to be addressed and “Additional

Concerns” (IRCC 1) that have not been addressed will be considered at IRCC 5.

- *Education*

The education paper, prepared by Australia, was acknowledged as requiring little change and the paper had addressed all issues identified at IRCC 1, although the depth of the detail will need to be reviewed. The following areas were identified as those that required some change -

- a) 2.3.1 to acknowledge the process of change causes anxiety and serious concern which need to be recognised in any education program.
- b) when discussing the issue of risk associated with performance, it is recommend that better processes for the management of risk be developed.
- c) 2.3.2 needs an introduction which addresses the regulatory environment generally.
- d) minor editorial to 2.3.3
- e) 2.3.4 Addressing Attitudes and Threats to be changed to Targeting Audience Perceptions.
- f) 2.3.5 RT to provide redraft.
- g) 2.3.6 sub clauses only focused on two specific issues to the exclusion of numerous other areas.
- h) additional issues requiring comment include the “cost” of developing material and of attendance at training forums.
- i) new clause required identifying the need for training providers to be competent to carry out training and should provide evidence of such.

Members representing Japan, UK, ICBO, NZ and Canada to provide draft of relevant experiences in relation to education programs.

- *Public Policy*

Concerns were raised that the issues addressed in the draft paper, prepared by NZ represented only a small number of those initially raised at IRCC 1. The issues identified at IRCC 1 were reconsidered and prioritised.

The high priority issues not currently covered by the draft paper will be developed in time for the Maui meeting and the location of issues addressed in Public Policy and Infrastructure Support were considered and revised (see attachment A).

The following members agreed to draft papers which addressed the prioritised issues -

- | | |
|---|---------|
| a) the need for regulation (how much) | MB (BM) |
| b) government or self regulation | MB (BM) |
| c) level of competence of industry | MB (BM) |
| d) should performance be quantifiable | BM (MB) |
| e) Commitment (to policy) by people who can and do effect policy change | MB |
| f) accreditation of private sector parties | MB (RT) |
| g) develop tools to aid decision making with regard to public expectations | BM |
| h) understand the concepts/ramifications of multiple levels of performance | RT |
| i) develop mechanism for determining social goals, objectives, related criteria | RT (BC) |
| j) the buy in of all parties involved | RT |
| k) national/local policy on adopting referencing standards. | BC |

Other public policy issues which need to be addressed include -

- | | |
|--|----|
| a) levels of government affected | BC |
| b) who should pay (regulation losses/research) | BC |

- *Regulatory Support Infrastructure*

It was considered there were significant areas of overlap with this section and the public policy section and as such it was agreed to move some issues between these sections.

The following issues were identified as needing addressing to enable this section to be developed enough for presentation at IRCC 5/Maui -

- | | |
|---|-------|
| a) peer review process guidance | BC |
| (this issue has already been partly covered in public policy) | |
| b) qualifications, competency and certification | BM |
| c) certification by accredited person | BM |
| d) enforcement of codes and qualifications held
by individuals/organisations | RT/BM |
| e) capacity to account (insurance) | RT |
| f) evaluation of products (evaluation services) | BT |
| g) handling of historical buildings | BC |

6. IRCC Forum and Publication of Material

The Committee considered the process and current status of the document development to date. It was agreed that in the time available not all issues raised at IRCC 1 could be addressed and those that had been addressed will need to be revisited for the purpose of determining the breadth and depth of issues covered.

The Committee therefore decided to focus on the issues that could be reasonably addressed and finalised for publication distribution at IRCC 5/Maui. This publication could then be presented as stage 1 of a larger developing document.

The ongoing role of the IRCC was then considered and unanimously agreed that there was still a significant amount of issues that should be exposed, for consideration, in the final document. It was agreed that IRCC 5 would be held on Sunday, 3 May, in Maui to focus on the issues that still needed to be developed and issues that required further development.

The issue of IRCC 6 was discussed, and proposed, for consideration, the Committee meet in Edinburgh, Scotland in October 1998. This location was suggested to enable a joint meeting to be held with CIB TG11 which would provide European input into the IRCC document development.

The Committee reaffirmed its commitment to the IRCC proposal and still strongly felt this was the most appropriate forum for the work being carried out. However there was a proposal that the Committee schedule three meetings a year with one of these meetings to be held as a joint meeting with other groups (CIB, etc) to broaden the scope of the input into the IRCC process.

An offer from Australia was accepted, to provide a stage 1 editorial function, professional editor/journalist, and to publish and distribute the document for IRCC 5/Maui. Canada had offered to provide a first cut at a format and a Word A4 letter template. The following schedule was agreed for this process:

◇ Complete Text	06 March 1998	All Members
◇ Send Text to MB	06 March 1998	All Members
◇ Text to RT	10 March 1998	MB
◇ Formatted Text to MB	20 March 1998	RT
◇ Text to Editor	20 March 1998	MB
◇ Edited Text to MB	06 April 1998	MB
◇ Text to Members for Review	06 April 1998	MB
◇ Members Comments to MB	09 April 1998	All Members
◇ Text to Publisher	10 April 1998	MB
◇ Document Distribution	24 April 1998	MB
◇ Document Available Maui	01 May 1998	

It was also agreed that the setout and format of the completed document should be as per the following:

Preface

Executive Summary

1. Introduction
 - 1.1. Mission
 - 1.2. Scope
 - 1.3. Background
 - 1.3.1. Opportunities for Collaboration
 - 1.3.2. Communication (Dissemination)
 - 1.3.3. Trade Impact
 - 1.3.4. Benefits
 - 1.3.5. Concerns
 - 1.3.6. Promotion (Marketing)

2. **Technology**
 - 2.1.1. General Discussion
 - 2.1.2. Fire Safety Engineering

3. **Education**
 - 3.1.1. Scope
 - 3.1.2. The Need for Education
 - 3.1.3. Who Requires Education
 - 3.1.4. Addressing Target Audience Perceptions
 - 3.1.5. Educational Development
 - 3.1.6. Educational Content
 - 3.1.7. Awareness Training
 - 3.1.8. Bridging Curriculum
 - 3.1.9. Providers of Education and Training
 - 3.1.10. Delivery Systems
 - 3.1.11. Ongoing Education
 - 3.1.12. Feedback
 - 3.1.13. Australian Experience
 - 3.1.14. Canadian Experience
 - 3.1.15. Japanese Experience
 - 3.1.16. New Zealand Experience
 - 3.1.17. UK Experience
 - 3.1.18. US Experience

4. **Public Policy**
 - 4.1. Legislative Issues.

- 4.1.1. Legislative changes required to enact codes containing objective-based standards;
- 4.2. Assessment of conformance with PBCs;
- 4.3. Enforcement of PBCs;
- 4.3.1. Issues related to private sector involvement in assessment of conformance with PBCs;
- 4.4. Issues to be addressed at differing levels of Government.
 - 4.4.1. Other legislation (relationship with other regulatory systems, internal and external)
 - 4.4.2. Alternatives to Regulatory control (alternatives to regulations)
 - 4.4.3. Framework for professional services
 - 4.4.4. Public policy implementation (phasing, staging, etc.).
 - 4.4.5. Legal issues
 - 4.4.6. Tort reform (legal system reform)
 - 4.4.7. Liability concerns

4.4.8. Scope of regulations

- 4.4.8.1. Public expectations (e.g., safety, property loss, risk, etc. - 2.4.4
- 4.4.8.2. Include how a performance design impacts continued building, system, and component use and maintenance (all participants, education). HIGH 2.4.7.
- 4.4.8.3. Need to maintain design documentation and make it available. HIGH
- 4.4.8.4. Develop tools to aid decision-making with regard to public expectations (e.g., risk and risk perceptions) HIGH
- 4.4.8.5. Emphasis on maintenance *addressed
- 4.4.8.6. Government regulation or self-regulation? HIGH
- 4.4.8.7. Understand the concepts (ramifications) of multiple levels of performance. HIGH [2.5?]
- 4.4.8.8. Level of technical competence of industry. HIGH *some addressed in education
- 4.4.8.9. Develop mechanism for determining societal goals, objectives, and related criteria. HIGH
- 4.4.8.10. National/local policy on adopting/referencing standards * some in 2.4.6+
- 4.4.8.11. Should performance be quantifiable and if so how? HIGH
- 4.4.8.12. Freedom on access to information (policy for access to information). * 2.3.7
- 4.4.8.13. Retrofit issues caused by change in requirements (existing building, accessibility) *2.4.7.4

4.4.9. Supporters of regulation

- 4.4.9.1. The "buy-in" (feeling of ownership and inclusion) of all parties involved. HIGH

- 4.4.9.2. Education of the non-technical segments * in education
- 4.4.9.3. Framework for professional services. (which had not been there before)
HIGH * covered in part
- 4.4.9.4. Communication in layman's terms. * in education
- 4.4.9.5. Commitment (to the policy) by the people who can and do effect policy change. HIGH - short

4.4.10. Financial Issues

- 4.4.10.1. Funding of education of the non-technical segments *in education
- 4.4.10.2. Funding for needed research. *in technology
- 4.4.10.3. Who should pay (regulation, losses, research, ...) HIGH
- 4.4.10.4. Relationship and "fit" with other public policies and agencies.**
- 4.4.10.5. Levels of government affected (responsibility, span [horizontal], and depth [vertical]). HIGH *short para and country specific items - 2.4.3

5. Support Framework

- 5.1.1. Involvement of Private Sector
- 5.1.2. Standards of practice for design. *some in technology but more needed
- 5.1.3. Establishment of Objective-based Construction Standards *some in technology but more needed
- 5.1.4. Test standards. *some in technology but more needed
- 5.1.5. Maintenance standards. *some in technology but more needed
- 5.1.6. Installation (and construction) standards. *some in technology but more needed
- 5.1.7. Enforcement tools and methods. * move here from 2.4.7
- 5.1.8. Enforcement of OBCs
- 5.1.9. Private Sector Involvement In Conformance Assessment
- 5.1.10. Publication of Approved Examples of Compliance
- 5.1.11. Ruling by Administrative Tribunal
- 5.1.12. Compliance tools and methods. *in 2.4.8
- 5.1.13. Interpretation availability (and services). * in 2.4
- 5.1.14. Appeals methods (and guidance). * in 2.4
- 5.1.15. Peer review process guidance (structure, methods, support, qualifications, etc.) *in 2.4
- 5.1.16. Qualifications, competency, and certification (registration/licensing).
(Russ)
- 5.1.17. Certification by Accredited Person
- 5.1.18. Enforcement of PBCs
- 5.1.19. Enforcement Officials
- 5.1.20. Certification/Training of Approving Authorities
- 5.1.21. Liability concerns. *in 2.4
- 5.1.22. Liability: fear of liability

- 5.1.23.Exemption from Liability for Approving Authority
- 5.1.24.Liability
- 5.1.25.Capacity to Account (Insurance) *Not covered yet
- 5.1.26.Self-certification (for compliance). *in 2.4.7
- 5.1.27.Accreditation. HIGH
- 5.1.28.Accreditation of Private Sector Parties
- 5.1.29.Private Sector
- 5.1.30.Conformity assessment. HIGH
- 5.1.31.Assessment of Conformance with PB Construction Standards
- 5.1.32.Enhanced Conformance Assessment Tools
- 5.1.33.Assessment of Conformance with Performance-Based Construction Standards
- 5.1.34.Inclusion in the Building Code of Examples of Conformance
- 5.1.35.Publication of Suggested Examples of Compliance
- 5.1.36.Evaluation of products (evaluation services). HIGH
- 5.1.37.Legal precedent. *in 2.4
- 5.1.38.Tort reform. *in 2.4
- 5.1.39.Other legislation. *in 2.4
- 5.1.40.Levels of government. *else where in 2.4
- 5.1.41.Record keeping and availability of design information. *in ?
- 5.1.42.Require specific maintenance program for a specific building and design. *in 2.4
- 5.1.43.Method for recognition of solutions (accreditation, peer-review, 3rd party certification). *in 2.4.8
- 5.1.44.Method for consistency in acceptance of solutions. *in 2.4
- 5.1.45.Process for accepting new solutions. *in 2.4
- 5.1.46.Solutions available as public records (intellectual property rights)? *have it
- 5.1.47.Legislative exclusion (exemption for requirements/compliance). *in 2.4
- 5.1.48.Handling of historical buildings (heritage issues). *adding in 2.4
- 5.1.49.Non-compliance ramifications. *in 2.4
- 5.1.50.Impact of governmental immunity on regulatory system. *in 2.4

6. Process Management

7. Future Tasks

8. Appendix

A Terminology

B Bibliography

7. Next Meeting - IRCC 5

It was agreed the next meeting would be held, in conjunction with the Maui Conference, on Sunday 3 May. Members were encouraged to seek views/comments from delegates in relation to IRCC Stage 1 document and it may be pertinent to meet briefly following the Maui Conference.

8. Other Business

The Committee discussed at length the development of a Mission Statement and Scope and agreed on wording for both. (BM I dont seem to have this). With there being no other business the Chairman closed the meeting at 4:15 pm Tuesday 3, February, 1998.