



Building Designers
Association Victoria

BDAV AGM 2011

Minutes of the 29th Annual General Meeting
of The Building Designers Association of Victoria
held on Monday, 10 October 2011
at the Victorian Arts Centre, Melbourne

CHAIRMAN:

Michael O'Sullivan, BDAV Vice-President

ATTENDANCE:

121 Members, as per Attendance Register
Brian Morison, Giselle Grynbaum,
Assignments Australasia Pty Ltd
Apologies: As per Apologies Register

Apologies: As per Apologies Register

1. OPENING

In declaring the meeting open at 6.10 pm, the Chairman, Mr Michael O'Sullivan, apologised that the President, Mr Tim Adams, was unable to be in attendance, as he was currently overseas. The Chairman welcomed all in attendance, especially Life Members and Fellows of the Association who were present. He also acknowledged the BDAV's sponsors, and introduced the members of the BDAV's Committee of Management who were present.

2. SPONSOR PRESENTATION

The meeting then received a presentation from Gary Macmillan, the Principal Technical Specialist from BlueScope Steel, the BDAV's Diamond Sponsor, who presented an update on BlueScope Steel's BAL-FZ steel roofing solution.

3. MINUTES OF PREVIOUS MEETING

The Minutes of the previous Annual General Meeting, held on 11 October 2010, which had been circulated to the members on the membership register at that time, were confirmed as an accurate record of the proceedings of that meeting.

Moved: Darryl Crumpton

Seconded: Robert McLauchlans

4. PRESIDENT'S REPORT

Mr Brian Morison read the President's annual report on behalf of BDAV President, Tim Adams. (transcript attached).

5. TREASURER'S REPORT

The Treasurer, Ms Dominique Hunter, presented the Treasurer's annual report (transcript attached).

6. COMMITTEE ELECTIONS

It was noted that no elections were necessary for the Committee of Management, who had been installed for a two-year term at the previous AGM, and there had been no vacancies during the year.

7. CONTINUING PROFESSIONAL DEVELOPMENT

The Chairman declared that the following members, listed below, had satisfied the requirements of the BDAV's voluntary Professional Development Program, namely, having achieved a minimum of 15 CPD points in the preceding 12 months. Certificates were presented to those members who were present.

Tim Adams	Takashi Inoue
Kane Airey	Tony Iseppi
Feras Al Asaad	Peter Jackson
Rebecca Allan	Anthony Jones
Steven Arnheim	Trevor Jones
Malal Athauda	John Karavasil
Monique Balaban	Hauke Kratzat
Joseph Banhidy	Ricardo La Mattina
Leiden Bao	Charles Lithoxopoulos
Dianne Bayley	Gavin Mahoney
Slavica Blajer	Susan Marriott
Darren Bowman	Enrico Marrone
Darren Brown	Jennifer Marshall
Geoff Caddick	Simon Marshall
Salvatore Campagna	Peter Martine
Diane Carter	John McCarthy
Rick Castricum	Sara McCunnie
Raymond Clissold	Alastair McDonald
Rina Cohen	Peter McKernan
Peter Condos	Gabriela Melnychuk
Tracey Curran	Philip Melville
Charles Danby	Michael Mettes
Robert D'Andrea	Sasho Miceski
Travis Davidge	Bronwyn Murphy
Michael Dawson	Kevin Murphy
Wayne Dawson	Leesa Myers
Ahmed Dirani	Janita Norman
Janet Dittrich	Michael O'Sullivan
Sam Dolev	David Palmer
Gerard Duflou	Graham Paulin
Brendon Egan	Robert Penn
Neil Fletcher	Geoffrey Phillips
Sharon Fox	Fleur Pitman
Helen Geddes	Peter Pontifex
Karim Ghobrial	Jennifer Pryce
Jason Glöz	Kanagasabai
Adrian Gordon	Radhakrishnan
Fiona Gregory	David Rayson
Mick Hanley	Katie Rees
Paula Hanley	Allen Roberts
Paul Hassall	Daniel Rushton
Andrew Hayen	Lucas Ryle
Geoffrey Hoare	Michael Salpietro
Roy Hodgson	Michael Sargeant
Andrew Hooper	Simone Schenkel
Ingrid Hornung	Ronald Schreiner
Helen Hyatt	Kathryn Schutt

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continued next page.....

Andreas Sederof
Fabio Sella
Kevin Slater
Adrian Smithwick
James Stapleton
George Stavrias
Liz Tapp
David Terry
Monica Ther
Terri Thompson
John Tigas
Pamela Toan
Tracey Toohey

Serdar Ulus
Vince Wardill
Mark Watson
Ross Whittle
Andrea Wilkinson
Ian Wilson
Jacqueline Wilson
Helmut Wintergerst
Maurice Winterton
Philip Wooley
Chad Young
Christina Zigouras
Robert Zucca

A Special Commendation was announced for Geoffrey Atkins from Tasmania, who had joined the BDAV in November 2011, and had already achieved 13 CPD points to 1 July 2011 by attending BDAV events in Melbourne.

8. BUILDING PRACTITIONERS BOARD

Mr David Cooke, the recently installed Draftsperson Representative on the Building Practitioners Board, presented a report on BPB and Building Commission activities.

In particular, David acknowledged the excellent work done by his predecessor, Mr Geoff Hoare, who had served on the BPB for the preceding six years, and was highly regarded by the Board and the Commission. Geoff had been co-opted onto the BPB, to assist with certain tasks.

David reported there were a total of approximately 25,000 registered building practitioners, of which 1,962 were registered draftspersons in Victoria.

He also advised that 652 investigations into building practitioners had taken place over the past year.

He also reported that the current audit of registered draftspersons was about 50% completed.

He also reported on the Federal Government's moves towards national licensing, rumours being that this is likely to be implemented in Victoria in 2013.

He also advised that a proposal for compulsory insurance for defects for commercial projects is currently being considered.

He also indicated that there were proposals to amend the Advanced Diploma of Building Design (Architectural) course to include new subjects that deal with BAL assessments.

There were moves by CPSISC to develop a national Certificate IV course for Building Design, but this not likely to have any impact in Victoria, where the Advanced Diploma of Building Design (Architectural) is the acknowledged pre-requisite for registration for registered draftspersons.

CPSISC were also developing a Vocational Graduate Diploma in Access Consulting.

9. DESIGNER PROFILE

The Chairman then invited Mr Sean Hamilton, of Hamilton Design, the winner of the 2011 BDAV Building Design of the Year, to present a profile on his winning project, Callignee II, which had won a total of eight awards in this year's BDAV Building Design Awards, a record for any award winner. Sean had also set a record for having won two consecutive Awards for Building Design of the Year.

10. GUEST SPEAKER

Mr Brian Morison, the BDAV's Executive Officer, made a presentation about the Model Work and Safety Act and Regulations, which are mooted to come into effect on 1 January 2012, and will have onerous implications for all designers, and potentially on home owners. (Refer slide presentation). Brian urged each Member to send a template letter – which will be prepared by the Association – to their local Member of Parliament.

11. CLOSE OF FORMALITIES

The Chairman then thanked everybody for their attendance, and declared the meeting closed at 8.10 pm, inviting everybody to partake of refreshments at the venue.



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BDAV AGM 2011 – PRESIDENT'S REPORT

It is my pleasure to present the President's Annual Report for 2011.

We have grown our membership at an unprecedented rate this year. Whilst we have had continuing consistent growth of Full Members, we were delighted to be approved by Sustainability Victoria as an accrediting organisation for both thermal performance assessors and home sustainability assessors which resulted in a significant intake of new thermal performance assessors.

Our total membership now sits at 1700 and comprises a cohort of professionals who are extremely well placed to create admirable, innovative design and to meet the challenges of responding to energy efficiency and sustainable design responses.

Additionally, I am delighted to report that on the 30 September the Department of Climate Change and Energy Efficiency offered BDAV accreditation as a fully accredited NatHERS Assessor Accrediting Organisation. We will now be able to accredit assessors to perform thermal performance assessments under the Nationwide House Energy Rating Scheme.

The growth of membership has led to an increase in demands on the contribution of the Secretariat and the Committee of Management. The regular compliments for prompt and helpful assistance to member's requests and low churn of membership are clear indications that the benefits of membership we continue to deliver are highly valued.

The Association has continued to represent the interests of our members at all levels of government. This is always done strictly with a view to the interests of our industry without any political preconceptions.

BDAV's apolitical position in treating with both the Government and Opposition of the day has meant that a number of Ministers within the Baillieu Government already have a good working knowledge of the important role played by BDAV.

The recent announcement by the Minister for Planning to remove the need for a planning permit for sites of less than three hundred square metres in growth area subdivisions is seen as a very positive improvement and we now look forward to more similarly enlightened initiatives.

We particularly supported the Minister for Planning's initiative in announcing a public submission process on ways to improve Victoria's planning system. We ensured that we made a submission to the Minister's Planning Advisory Committee again voicing our continuing frustrations with the administration by Local Government of the planning process.

Through the valuable feedback from members, we have very clear evidence of shortcomings in the planning system which continues to contribute to delays and costs, causing unnecessary expense impacting on housing affordability. We are confident that this body of knowledge can be used to assist the Minister in making meaningful reforms.

One aspect we particularly pushed was that Councillors should only have involvement in council policies relating to planning and should not be involved in the decision making process of planning approvals.

Another issue which we have worked on in the past and continue to pursue is access for our members to provide design services to publicly funded projects including schools. Exclusion of Building Designers from these projects is anti-competitive, will not ensure best value for public expenditure, and stands in the way of regional communities using preferred local consultants.

A couple of issues where activity is currently demanding our attention are the auditing of draftspersons, and construction documentation standards. We have ongoing input to the Building Commission on both of these fronts, which are of critical interest to all our building designer members.

It is opportune at this stage to thank Geoff Hoare for his participation representing us on the Building Practitioners Board for the past six years. His dedication and wealth of experience in the industry has achieved great respect from the Board and those who know the important work that it carries out.

Our new representative is David Cooke, another Past President of the BDAV, and I particularly thank you, David, for so readily being prepared to represent the interests of all building designers. It is an extremely time consuming and demanding role and Members should not underestimate the importance of the role. We will hear from David shortly when he presents his report.

We will also be monitoring, with great interest, the proposed introduction of the national licencing system. We are explicitly opposed to any national licensing scheme that in any way diminishes the Victorian registration scheme, and we will not support a compromise that results in the lowest common denominator being the accepted registration regime. However, it appears that if a national licensing system were to be introduced for architectural draftspersons and building designers it would not be implemented until well after 2013.

Another national issue over the past 12 months that gives us great cause for concern is the new Model Work Health and Safety Act and Regulations. BDAV will be monitoring this development very closely and has adopted a strong stance on this matter. We will be aggressively lobbying the Victorian Government on this issue.

Numerous initiatives this year have helped to raise the profile of the BDAV and the public recognition of the role of our membership to provide valuable advice. The current marketing initiative with radio 3AW is getting the word out. A program of paid advertising was teamed with advertorial comment from "Mann about Town", David Mann.

David delivered a clear message to his audience that anyone embarking on a building project should seriously investigate the engagement of a BDAV member. The association with 3AW is also seen as developing a relationship to place BDAV as a source of industry expert comment when the occasion arises. I would particularly like to thank Michael O'Sullivan, BDAV Vice-President, Katie



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Rees and David Mulhall for their role in ensuring this campaign came to fruition, particularly as it was carried out without the need for external consultants.

And while I am thanking Michael, I would also like to thank him for his assistance in co-ordinating a very successful BDAV Golf Day, even if the weather that day was against us. It was a 'hard day at the office' for those Members who braved the elements. We will be running another golf day next year and anticipate the day will become an annual event.

As always, our flagship event, the BDAV Design Awards for this year, was extremely successful and again showcased to the public at large, the design talents of BDAV Members. Giselle, as always, is to be complimented for all her 'behind the scenes' work and I wish to also thank Committee Member, Paula Hanley in her role as Chair of the Judging Panel.

As the instigator of the 10-Star Challenge concept, I am delighted to see how successful it has been, and the favourable comments we have received to this initiative. Our 10-STAR Challenge was envisaged as a multi-pronged program with direct skills benefits for the participants and a vehicle to position BDAV as the "go to" place for sustainable design solutions. Melbourne daily papers, local and regional papers, regional radio and ABC 774 have all included coverage of the challenge.

The public profile of the Challenge was also assisted by our program ambassador, Rob Gell. Rob, with a long standing participation in and passion for the environment has been enthusiastic from the outset that the 10 Star Challenge was an excellent way for our member's skills to be used to lead the way forward.

The next step we are currently investigating is how to now have the winning 10-Star design constructed, particularly given that the Minister for Planning has indicated his interest in assisting us to achieve that objective.

Our Continuing Professional Development activities continue to grow with both numbers of events and attendees exceeding any previous year. Monthly sessions at the ANZ pavilion are now regularly attracting around 150 to 200 participants. Seminar content has also been expanded to target the needs and interests of TPAs and HSAs.

We were also delighted to be awarded by the Building Commission the 2010 CPD Provider of the Year Award.

A new initiative this year has been the introduction of web based seminars or 'Webinars'. These compact, online packages of information have been embraced by regional members, members with time or mobility constraints, and those whose family commitments make it difficult to attend a Melbourne event in person, but are able to work in a one-hour desktop session.

In addition to these ongoing programs, we were pleased to have Sustainability Victoria offer grant funding for the series of 6-star workshops delivered around the State earlier this year.

Instead of the 400 attendees anticipated by SV as a good result for their investment, we eventually fell just short of 700. It would appear that this was another indication of the position that significant numbers of members will attend presentations that are seen to benefit their professional knowledge base.

Our Thermal Performance Assessors and Home Sustainability Assessors have a mandatory requirement for CPD as part of the accreditation regime handed down by Sustainability Victoria. As you are aware, Registered Building Practitioners do not currently have this obligation, but Minister Guy has recently directed a review of mandatory CPD be carried out by the Department of Planning and Community Development and the Building Commission. The issue of mandatory CPD is still being further considered by the Committee of Management in the light of Member comments when this controversial issue was mooted earlier this year.

We are currently working on modifications to the BDAV Website which will enable Members to record their own external CPD activities, and access, at any time, a summary of your CPD points. This is a big task, but we hope to have it completed by the end of this year, for launching in the New Year.

We continue to improve our communications capability to Members and the public at large through our website, our popular, monthly BDAV News journal, and weekly e-bulletin. We have recently entered into the realm of the new media by profiling BDAV on FaceBook, YouTube and Twitter.

Our advisors on public relations, CPR Communications, and InsideOut Strategic for government liaison have helped to reinforce the position of BDAV as a key stakeholder in our industry. We now find that Ministers and government agencies invite us to forums and request our comments on a regular basis rather than what used to be a position whereby we had to aggressively push to gain the right to have representation or make comment.

Finally, I would like to say that I have very much enjoyed my role as President, and building upon the substantial achievements of my predecessors. However, all that we have achieved to date would not be possible without the dedicated commitment and time devoted by the Members of the Committee of Management and our Executive Officers and more importantly, by the wonderful collective support we receive from the Membership. We have every right to be proud of our Association."

Thank you.

Tim Adams
BDAV President



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BDAV AGM 2011 – FINANCIAL REPORT

As you gather from what's been said earlier this evening – it's been a big year!

Firstly, I would like to thank our sponsors. Our Diamond Sponsor – BlueScope Steel – plus our other sponsors : Architectural Window Systems, James Hardie Australia, KarelCAD, Tait Timber & Hardware, and our newest sponsor – Wood Solutions. We highly value their support and, as has been expressed earlier, they contribute to us being able to provide the high level of member services that the BDAV offers. Our sponsors feel the pressures of financial constraints the same as we do, so it is tremendous that they see a mutual benefit in continuing to sponsor our Association; so if and when you are specifying products, we urge you to please consider our sponsors where you can.

Our membership has grown significantly since last year and, up until about six weeks ago, we had just over 1,800 members. Since cancelling the memberships of a number of unfinancial members who had not paid their subscription fees, our total membership is now just over 1,700, which is still a very solid membership base, and the largest of any BDA around the nation.

The Committee of Management determined, this year, to keep our membership fees at the same rate as last year, despite ever-increasing costs. Our membership fees continue to be low compared to those charged by other comparative industry bodies. We have also retained our Loyalty Discount on membership subscriptions, recognising long-serving members who have been with us for ten or more continuous years, which recognises their continued loyalty to us. This program will continue.

As has been mentioned, and as you know, late last year, we commenced accrediting Thermal Performance Assessors and Home Sustainability Assessors. Whilst this has provided another income stream to the Association, there have been associated costs in providing this service, but we are pleased to have this sector involved with us, as it has provided another dimension to our membership, and has re-enforced to our members the opportunities of including energy efficient and sustainability elements in your designs.

Our seminar fees have also been retained at the same rate as last year, again, despite increased supplier costs. Again, our seminar fees are low compared with those charged by other industry bodies. We have been pleased to see the strong participation in our CPD activities this year, and we hope to see this continue.

The Loyalty Program we introduced a couple of years ago for our CPD events also continues. This enables you to get your fourth CPD seminar free, if you attend three of our metropolitan BDAV CPD seminars which incur a charge. If your Loyalty card has a date on it which has expired – don't worry. We are still recognising the expired cards. We will be re-issuing Loyalty cards to members later this year, so if you have misplaced yours, don't worry. When you receive yours in the mail, pop it into your wallet straightaway so you have it handy when you turn up to any of our monthly seminars. This is your record of when you become due for a free seminar.

And, of course, our Student Members do not participate in this Loyalty Scheme as they already attend most of our events free of charge. That is another commitment we have to the future for our profession.

I just want to re-enforce, again, that the BDAV understands the burden of supporting any Continuing Professional Development program, and we will continue to keep it affordable for our

members. We have never treated CPD as an income stream; we simply aim to recoup the direct costs that we incur in running events for you.

Disappointingly, this year, we had to discontinue the video recording of our CPD events, due to poor take-up of the resultant DVDs by our members, which resulted in a huge financial loss to the Association over the past couple of years.

We commenced audio-taping these monthly seminars from July, which is far more cost-effective. If you attended a particular seminar that has been audio-taped, you can access the audio recording free of charge via the 'EVENTS' section in the MEMBER pages of our website. If you did not attend a particular seminar, you can obtain access to the audio via the WEBSHOP at our website, but, again, remember to be logged in as a member to access it at the cheaper MEMBER rate.

This year we introduced a Student Grant program, offering our Student Members an opportunity to be eligible for five grants, each of \$2,000 to help defray the cost of their studies. We received some very impressive submissions this year from some of our Student Members, and we again congratulate the winners. We plan to continue this program next year.

Our big-ticket expenditure items this year were our annual Building Design Awards competition and our marketing program. The Awards, and the associated gala presentation event, was another great success. The BDAV also provided monetary prizes to the winners in the student category. We again take this opportunity to thank the sponsors of the Awards, which helped to defray expenditure. The public display of entries at Federation Square again created a lot of interest with the public, highlighting the skills of building designers.

As Brian mentioned, our marketing campaign on 3AW has been a great success. Whilst this was also one of our 'big-ticket' expenditure items, the Committee believes this was a sound investment, and likely to be repeated next year.

We continue to use outsourced consultants, especially in the lobbying and public relations activities, and this year we also engaged Rob Gell as our 10-Star Challenge Ambassador. These costs have also impacted our 'bottom line', but, again, have been a sound investment.

Modifications to our website were essential, particularly with the accreditation of assessors that I mentioned earlier, and will continue, to ensure we provide a superb service to you.

And we invested some funds on professional advice for our profile on the new social media – Facebook, YouTube and Twitter – but we see this, again, as a sound investment, especially in our endeavours to attract younger participants to our membership.

As a result of all these activities – and our healthy membership increase – the BDAV recorded a pre-tax profit at 30th June 2011 of \$102,684. As we continue to carry forward some tax losses from early years, this will contribute to offsetting such taxable income.

All this, again, is a testament to the Association's prudent financial management, and the strong support we receive from our Executive team in overseeing the administration.

The accounts have again been audited by the accounting firm of Clements, Dunne & Bell, and have been found to be in good order. The financial report is able to be viewed at the BDAV's office by any member, upon request.

I would like to again thank the Committee of Management, and the Executive Officers for their support and assistance to me over the past year as your Treasurer.

Dominique Hunter, BDAV Treasurer



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Model Work Health and Safety Act and Regulations

BDAV Annual General Meeting 2011

Presentation by
Brian Morison

Continuing Professional Development

Model Work Health and Safety Act and Regulations

Compared to the duty of designers contained under section 28 of the Victorian Occupational Health and Safety Act, the Model Work Health and Safety Act and Regulations are far more wide reaching and onerous, and impact upon residential design.



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Continuing Professional Development

Model Work Health and Safety Act and Regulations

Note this new proposed legislation has yet to be passed by the Victorian Parliament and is not in force at this time.

The proposed implementation date is 1 January 2012.

However, there is a push to defer the date of implementation.



Continuing Professional Development

Section 22 – Model Work Health and Safety Act

Duties of Designers – Section 22 of the Model Work Health and Safety Act states:

Designers of plant, substances or structures that are to be used or could reasonably be expected to be used, as, or at, a workplace must ensure:

So far as is reasonably practicable, that the plant, substance or structure is designed to be without risks to the health and safety of persons.



Continuing Professional Development

Section 22 – Model Work Health and Safety Act

Additionally, the duty also relates to:

- Those persons who construct the structure at a workplace [This includes residential and non-residential buildings];
- Demolition or disposal of the structure;
- Those persons who are at or in the vicinity of a workplace and who are exposed to the plant, substance or structure at the workplace or whose health or safety may be affected by a use or activity.



Continuing Professional Development

Section 22 – Model Work Health and Safety Act

Designer must carry out, or arrange the carrying out of any:

- Calculations
- Analysis
- Testing
- Examination

that may be necessary for the performance of the duty under section 22.



Continuing Professional Development

Section 22 – Model Work Health and Safety Act

Designer must give adequate information to each person who is provided with the design for the purpose of giving effect to:

- Each purpose for which the structure was designed;
- Results of any calculations, analysis, testing or examination;
- Any conditions necessary to ensure the structure is without risks to health and safety when used for the purpose for which it was designed.



Continuing Professional Development

Section 22 – Model Work Health and Safety Act

On request, the designer, must so far as is reasonably practicable, give current relevant information on the above matters to a person who carries out, or is to carry out work at the workplace, constructs the structure, demolition or disposal of the structure.



Continuing Professional Development

Model Work Health and Safety Act and Regulations

Now let's deal with the Model Regulations

Part 6.2 of the Regulations refers to Duties of Designers and Person who Commissions Construction Work (the client)

Person who commissions construction work must, so far as is reasonably practicable, consult with the designer about how to ensure that risks to health and safety arising from the design during construction work are eliminated or minimised so far as is reasonably practicable.



Continuing Professional Development

Model Work Health and Safety Act and Regulations

Consultation must include giving the designer any information the person commissioning the construction work has in relation to the hazards and risks at the workplace where the construction work is carried out.



Continuing Professional Development

Model Work Health and Safety Act and Regulations

Designer of a structure or any part of a structure must give the person commissioning construction work a written report.

Written report must specify the hazards associated with the design of the structure that:

- a) Create a risk to the health or safety of construction workers; and
- b) Are associated only with the particular design and not with other designs of the same type of structure.



Continuing Professional Development

Model Work Health and Safety Act and Regulations

Person conducting a business or undertaking that commissions a construction project and engages a principal contractor for the project, must give a copy of the written report to the principal contractor.

Who is a "person conducting the business or undertaking"?

Query whether or not the above term is wide enough to embrace homeowners?



Continuing Professional Development

Model Work Health and Safety Act and Regulations

If homeowners are embraced by the Act and Regulations it results in extremely onerous requirements that are beyond the knowledge and experience of homeowners.



Continuing Professional Development

Model Work Health and Safety Act and Regulations

Note qualification of the term 'reasonably practicable'.

In this Act, **reasonably practicable**, in relation to a duty to ensure health and safety means that which is, or was at a particular time, reasonably able to be done in relation to ensuring health and safety, taking into account and weighing up all relevant matters.



Continuing Professional Development

Model Work Health and Safety Act and Regulations

Taking into account and weighing up all relevant matters, includes:

- Likelihood of the hazard or risk concerned occurring; and
- The degree of harm that might result from the hazard or risk; and
- What the person concerned knows, or ought reasonably to know about the hazard or the risk and ways of eliminating or minimising the risk; and
- The availability and suitability of ways to eliminate or minimise the risk; and
- The cost associated with available ways of eliminating the risk, including whether the cost is grossly disproportionate to the risk.



Continuing Professional Development

Model Work Health and Safety Act and Regulations

Apart from the Act and Regulations there are also approved Codes of Practice under section 274 of the Act.

In most cases, following an approved code of practice would achieve compliance with the health and safety duties but the duties require duty holders (of which you are one) to consider all risks associated with work, not only those for which regulations and codes of practice exist.



Continuing Professional Development

Model Work Health and Safety Act and Regulations

Codes of practice are admissible in court proceedings under the WHS Act and Regulations. Courts may regard a code of practice as evidence of what is known about a hazard, risk or control and may rely on the code in determining what is reasonably practicable in the circumstances to which the code relates.



Continuing Professional Development

Model Work Health and Safety Act and Regulations

A draft code of practice entitled 'Safe Design of Buildings and Structures' is currently available for public comment.

It is 34 pages of detailed information.



Continuing Professional Development

Model Work Health and Safety Act and Regulations

A couple of paragraphs to give you an idea of the dangers associated with Codes of Practice:

"The WHS Act requires the designer to ensure, so far as is reasonably practicable, that a structure is designed to be without risks to the health and safety of persons.

This means thinking about potential hazards and design solutions as the building or structure is constructed, commissioned, used, maintained, repaired, refurbished or modified, decommissioned, demolished or dismantled and disposed or recycled." (Page 7)



Continuing Professional Development

Model Work Health and Safety Act and Regulations

Another paragraph!

- "While designers may not have management and control over the actual construction work they can discharge their duty by consulting, co-operating and co-ordinating activities, where reasonably practicable, with those who do have management or control of the construction work, for example by:



Continuing Professional Development

Model Work Health and Safety Act and Regulations

- Providing guidance on how a structure might be constructed safely;
- Applying risk management processes to more traditional designs and considering whether new or innovative approaches to design will eliminate or minimise risk and result in an intrinsically safer building or structure;
- Providing information of any identified hazards arising from an unconventional design to those who will construct or use the building; and
- Carrying out the above in association with those who have expertise in construction safety.”
(Page 10)



Continuing Professional Development

BDAV Activities and Current Position

- Presentation of submissions and comments at time of public comment.
- Liaison with other design professional institutes and organisations.
- Cannot contract out of duty but will still endeavour to provide contract clauses that restrict liability where legally possible to do so. Scope of brief will be a vital document.
- Letter to the Victorian Government – deferral of the legislation in order to review the impact of the legislation.
- Victorian Government’s Position.
- Individual Member lobbying.



Continuing Professional Development