



Construction Industry Business Environment

Research Project

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Research Focus of the CIBE project

- What is the extent of regulation affecting the construction industry?
 - Every stage of the construction process and many aspects of organisational life are regulated by multiple spheres of government
- How can this situation be improved?



What are the regulatory costs borne by industry?

- Three types of costs
 - Direct costs
 - Indirect costs
 - Adaptation costs

- Working with the Productivity Commission (along with other industry organisations) to quantify costs associated with regulation of the construction industry



What could be done to improve the situation?

Is there likely to be a reduction in:

- Direct costs
 - unlikely
- Indirect costs
 - unlikely
- Adaptation Costs
 - area which holds the most promise for cost reduction



CIBE - Thematic case studies

- **Occupational health and safety**
 - *Standards and codes of practice*
- **e-Business**
 - *Improved Development Application processes in South East Queensland*
- **Procurement**
 - *Institutional arrangements in Australian jurisdictions*
- **Sustainable built environment**
 - *A Sustainability Charter and Sustainability Commissioner*
- **Dispute resolution**
 - *Improved understanding of dispute resolution processes*
- **Building Information Modelling**
 - *Policy implications of BIM*



How can increased alignment of regulation between jurisdictions be achieved?

High ↑
↓
Low

- Option 1 — Unilateral Exercise of Power by the Commonwealth
- Option 2 — States give their powers to the Commonwealth (reference of power)
- Option 3 — Adoption / Incorporation by Reference
- Option 4 — Complementary or Mirror Legislation
- Option 5 — Mutual Recognition
- Option 6 — Agreed Legislation/Policies
- Option 7 — Non-Binding National Standards Model
- Option 8 — Exchange of Information
- Option 9 — Independent Unilateralism

Occupational Health and Safety Case Study

- Examining the NOHSC Standards
- The presentation today is a work in progress – mainly reviewed the existing legislation, policies and standards for OH&S
- Much of the interviews with industry, government and unions have yet to be undertaken. Story may change somewhat before the research is completed



Jurisdiction	National Standard for Manual Handling [NOHSC:1001 (1990)] 1 July 2005 (NOHSC Reports)	National Standard for Manual Handling [NOHSC:1001 (1990)] 30 May 2007 (CRCCI)
ACT	Adopted	
NSW	Adopted	
NT	Most of key elements adopted	
QLD	Adopted	
SA	Adopted	
TAS	Adopted	
VIC	Most of key elements adopted	
WA	Most of key elements adopted	



Jurisdiction	National Standard for Manual Handling [NOHSC:1001 (1990)] 1 July 2005 (NOHSC Reports)	National Standard for Manual Handling [NOHSC:1001 (1990)] 30 May 2007 (CRCCI)
ACT	Adopted	Adopted in legislation
NSW	Adopted	Adopted in legislation
NT	Most of key elements adopted	COP Referenced in legislation
QLD	Adopted	
SA	Adopted	
TAS	Adopted	
VIC	Most of key elements adopted	
WA	Most of key elements adopted	



Jurisdiction	National Standard for Plant [NOHSC:1010 (1994)] 1 July 2005 (NOHSC Reports)	National Standard for Plant [NOHSC:1010 (1994)] 30 May 2007 (CRCCI)
ACT	Adopted as a code of practice	
NSW	Most of key elements adopted	
NT	Most of key elements adopted	
QLD	Adopted	
SA	Adopted	
TAS	Most of key elements adopted	
VIC	Most of key elements adopted	
WA	Most of key elements adopted	



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ACT	Adopted as a code of practice	Adopted in legislation
NSW	Most of key elements adopted	
NT	Most of key elements adopted	
QLD	Adopted	Adopted in legislation
SA	Adopted	
TAS	Most of key elements adopted	Adopted in regulation
VIC	Most of key elements adopted	
WA	Most of key elements adopted	



Jurisdiction	National Standard for Occupational Noise [NOHSC:1007 (2000)] 1 July 2005 (NOHSC Reports)	National Standard for Occupational Noise [NOHSC:1007 (2000)] 30 May 2007 (CRCCI)
ACT	Adopted as a code of practice	
NSW	Adopted	
NT	Adopted	
QLD	Adopted	
SA	Adopted	
TAS	Most of key elements adopted	
VIC	Adopted	
WA	Adopted	



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ACT	Adopted as a code of practice	Adopted in legislation
NSW	Adopted	
NT	Adopted	Adopted in legislation
QLD	Adopted	
SA	Adopted	
TAS	Most of key elements adopted	
VIC	Adopted	
WA	Adopted	



Jurisdiction	National Standard for Manual Handling [NOHSC:1001 (1990)] 1 July 2005 (NOHSC Reports)	National Standard for Manual Handling [NOHSC:1001 (1990)] 30 May 2007 (CRCCI)
ACT	Adopted	Adopted in legislation
NSW	Adopted	Adopted in legislation
NT	Most of key elements adopted	COP Referenced in legislation
QLD	Adopted	
SA	Adopted	
TAS	Adopted	
VIC	Most of key elements adopted	
WA	Most of key elements adopted	



Jurisdiction	National Standard for Manual Handling [NOHSC:1001 (1990)] 1 July 2005 (NOHSC Reports)	National Standard for Manual Handling [NOHSC:1001 (1990)] 30 May 2007 (CRCCI)
ACT	Adopted	Adopted in legislation
NSW	Adopted	Adopted in legislation
NT	Most of key elements adopted	COP Referenced in legislation
QLD	Adopted	State COP
SA	Adopted	State COP
TAS	Adopted	Referenced in Work Cover Guide
VIC	Most of key elements adopted	State COP
WA	Most of key elements adopted	State COP



Jurisdiction	National Standard for Plant [NOHSC:1010 (1994)] 1 July 2005 (NOHSC Reports)	National Standard for Plant [NOHSC:1010 (1994)] 30 May 2007 (CRCCI)
ACT	Adopted as a code of practice	Adopted in legislation
NSW	Most of key elements adopted	
NT	Most of key elements adopted	
QLD	Adopted	Adopted in legislation
SA	Adopted	
TAS	Most of key elements adopted	Adopted in regulation
VIC	Most of key elements adopted	Being considered
WA	Most of key elements adopted	



Jurisdiction	National Standard for Plant [NOHSC:1010 (1994)] 1 July 2005 (NOHSC Reports)	National Standard for Plant [NOHSC:1010 (1994)] 30 May 2007 (CRCCI)
ACT	Adopted as a code of practice	Adopted in legislation
NSW	Most of key elements adopted	Referenced in RTA Guide
NT	Most of key elements adopted	Referred to for further information
QLD	Adopted	Adopted in legislation
SA	Adopted	Referenced in Safe Work Guide
TAS	Most of key elements adopted	Adopted in regulation
VIC	Most of key elements adopted	Replaced with State COP
WA	Most of key elements adopted	Adopted in State Code of Practice



Jurisdiction	National Standard for Occupational Noise [NOHSC:1007 (2000)] 1 July 2005 (NOHSC Reports)	National Standard for Occupational Noise [NOHSC:1007 (2000)] 30 May 2007 (CRCCI)
ACT	Adopted as a code of practice	Adopted in legislation
NSW	Adopted	
NT	Adopted	Adopted in legislation
QLD	Adopted	
SA	Adopted	
TAS	Most of key elements adopted	
VIC	Adopted	
WA	Adopted	



Jurisdiction	National Standard for Occupational Noise [NOHSC:1007 (2000)] 1 July 2005 (NOHSC Reports)	National Standard for Occupational Noise [NOHSC:1007 (2000)] 30 May 2007 (CRCCI)
ACT	Adopted as a code of practice	Adopted in legislation
NSW	Adopted	Referenced in Work Cover Guide / COP
NT	Adopted	Adopted in legislation
QLD	Adopted	State COP
SA	Adopted	State COP
TAS	Most of key elements adopted	Referenced in Work Cover Guide
VIC	Adopted	Referenced in Health and Safety Guide
WA	Adopted	Referenced in State Code of Practice



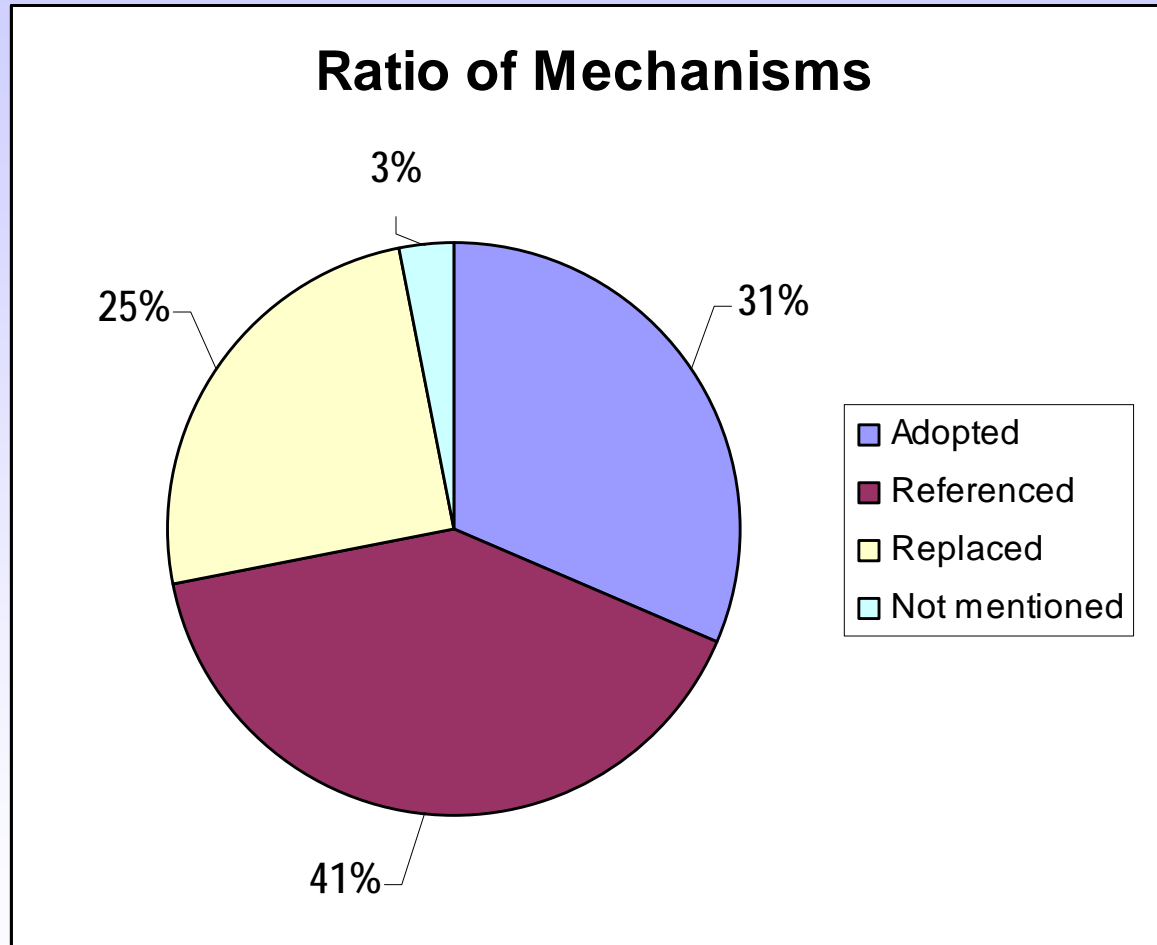
Jurisdiction	National Standard for Construction Work [NOHSC:1016 (2005)] 1 July 2005 (NOHSC Reports)	National Standard for Construction Work [NOHSC:1016 (2005)] 30 May 2007 (CRCCI)
ACT		
NSW		
NT		
QLD		
SA		
TAS		
VIC		
WA		



Jurisdiction	National Standard for Construction Work [NOHSC:1016 (2005)] 1 July 2005 (NOHSC Reports)	National Standard for Construction Work [NOHSC:1016 (2005)] 30 May 2007 (CRCCI)
ACT		Topic referred to in state COP
NSW		Topic referred to in state COP
NT		Adopted in legislation
QLD		Adopted in legislation
SA		
TAS		Replaced with work cover guide
VIC		Being considered
WA		Referred to in draft state COP



Summary of mechanisms



NOHSC Standards as a mechanism for harmonisation

- *Option 1 — Unilateral Exercise of Power by the Commonwealth*
- *Option 2 — States give their powers to the Commonwealth (reference of power)*
- *Option 3 — Adoption / Incorporation by Reference* **31%**
- *Option 4 — Complementary or Mirror Legislation*
- *Option 5 — Mutual Recognition*
- *Option 6 — Agreed Legislation/Policies*
- *Option 7 — Non-Binding National Standards Model* **41%**
- *Option 8 — Exchange of Information* **28%**
- *Option 9 — Independent Unilateralism*



Next phase of research

- Discussions with industry, government and unions concerning the current status of national standards
- Development of a rationale as to why the differences persist
- Working theories (which have yet to be proven)
 - Race to the bottom
 - Reflexivity
 - Sovereignty




CRC for Construction Innovation initiatives

- Safer Construction – VCOP
- Construction Site Safety Culture
- Construction Safety Competency Standards

- Each can promote improvement of OH&S greater consistency across Australia and are industry led



Conclusion

- Thanks you for listening to my presentation today
- Any questions 



How can increased alignment of regulation between jurisdictions be achieved?

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↓
Low

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