



ATTORNEY GENERAL; MINISTER FOR COMMERCE

PERTH CORONERS COURT

18 DEC 2015

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Your Ref: Annual Report
Our Ref: 44- 18323

Ms Dawn Wright
Manager Listings
Coroner's Court of Western Australia
Central Law Courts
Level 10, 501 Hay Street
PERTH WA 6000

Dear Ms Wright

CORONER'S INQUEST: MS DEBRA ALEXANDRA TILL AND MR CRAIG ALLAN RAABE

Thank you for your letter dated 21 August 2015 regarding the recommendations from the Coroner's Inquest into the circumstances surrounding the deaths of Ms Debra Alexandra Till and Mr Craig Allan Raabe.

The government notes and will give full consideration to the recommendations in the Coroner's Findings.

Since the deaths, the *Building Act 2011* (the Act) came into effect in 2012 and provides much clearer and more robust certification requirements for new building work. The current building legislation requires certification from a registered building surveyor which must contain a statement that, if the building is completed in accordance with the plans and specifications specified in the certificate of design compliance, the building will comply with the applicable building standards, including structural provisions for the relevant wind region. A building permit cannot be granted by the local government permit authority without the relevant certificate of design compliance signed by a registered building surveyor.

At the time of the deaths, previous building legislation did not contain a uniform approach to certification from a registered building surveyor and, while it was recommended, it was not mandated for all local governments to use a building surveyor to determine a building licence application.

Under the Act, there are also clearer responsibilities for the builder named on the building permit to ensure the building complies with applicable building standards on completion of the work, and to submit a notice of completion to the relevant permit authority within seven days of completion of those works.

Western Australia did not have clear powers to require mandatory inspections under the previous building legislation. Inspections during, or on completion of, construction work were

at the discretion of the relevant local government only. The Act provides for regulations to prescribe inspections and tests that need to be undertaken at certain points during the construction or occupation of a building. Regulations can also prescribe who can undertake such inspections and tests.

The Department of Commerce, Building Commission Division (Building Commission) administers the Act and Building Regulations 2012 (the Regulations). The Act has been drafted with the necessary heads of power to introduce mandatory inspections through the Regulations. Recommendation 1, concerning the introduction of mandatory inspections in wind regions C and D, is under consideration. That said, I am advised the policy work and regulatory impact assessment in relation to this recommendation is significant.

In addition, the Building Commission has written to the Australian Building Codes Board (ABCB) about the Inquest Findings and the need for more precise internet based wind region maps. The Building Commission will continue discussions with the ABCB on the matter with support and encouragement to give full consideration on Recommendation 2.

Thank you for bringing this matter to my attention, and I hope this information is of assistance for your Annual Report.

Yours sincerely

Hon. Michael Mischin MLC
ATTORNEY GENERAL; MINISTER FOR COMMERCE

16 DEC 2015