

Building

Regulations Advisory Committee

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Terms of Reference

1 Background/Context

The Building Regulations Advisory Committee (BRAC) is an independent statutory body established under section 209 of the **Building Act 1993**. The members of the BRAC are appointed by the Minister. The Victorian Building Authority (VBA) provides secretariat and technical resources to support the functions of BRAC.

Sections 210 of the **Building Act 1993** set out membership as follows:

- i one is to be the Chief Commissioner or a Commissioner nominated by the Chief Commissioner, who is to be chairperson of the Committee;
- ii one is to be nominated by the Minister administering Part 4 of the **Project Development and Construction Management Act 1994**;
- iii one is to be nominated by the Minister administering the **Country Fire Authority Act 1958** and the Minister administering the **Metropolitan Fire Brigades Act 1958**;
- iv one is to be nominated by the Melbourne City Council and is to be a person who, in the Minister's opinion, has experience in matters provided for by this Act or the regulations;
- v one is to be chosen from a list of 3 names submitted by the Royal Australian Institute of Architects, Victorian Chapter;
- vi one is to be chosen from a list of 3 names submitted by the Institution of Engineers, Australia, Victoria Division;
- vii one is to be chosen from a list of 3 names submitted by the Master Builders Association of Victoria;
- viii one is to be chosen from a list of 3 names submitted by the Housing Industry Association, Victoria/Tasmania Division;
- ix one is to be chosen from a list of 3 names submitted by the Property Council of Australia, Victoria Division;
- x one is to be chosen from a list of 3 names submitted by the Municipal Association of Victoria;
- xi two are to be chosen from a list of 6 names submitted by the Australian Institute of Building Surveyors, Victorian Chapter;
- xii one is to be a person who in the Minister's opinion, has experience in the building industry or in matters related to that industry;
- xiii at least one is to be an Australian lawyer of at least 5 years' standing;
- xiv at least one is to be a person who, in the Minister's opinion, is able to represent the interests of users of the services of building practitioners.

2 Functions of the BRAC

The following are the functions of the BRAC :

- to advise the Minister on draft regulations prepared under the Act, and in particular the extent to which they promote the objects of the Act, are cost effective and are necessary;
- to accredit building products, construction methods or designs, components or systems connected with building work for the purposes of the Act and regulations;
- to advise the Minister on any matter referred to it by the Minister;
- any other functions conferred by or under the Act or any other Act.

The BRAC may also consider and provide advice on any other matter related to the construction industry referred to it by a member, the VBA, Department or other body or authority.

3 Role of the BRAC

Members are expected to utilise their industry experience and expertise to add value to the sum of knowledge of the BRAC. Members are appointed in recognition of their recognised industry experience and knowledge. Members are not appointed to represent their nominating organisations. Members are encouraged to address matters brought before the BRAC with open, fearless and robust discussion focussed on the issue at hand to ensure BRAC decisions are made with the fullest possible understanding of the impact of those decisions on the industry as a whole.

The VBA representative will report on current and emerging issues in the regulation of the building industry so that members are well prepared to advise the Minister on matters referred to BRAC.

4 Role of Individual Members

If a member of the BRAC has a direct or an indirect pecuniary interest in a matter which is about to be or is being considered by the BRAC, the member must as soon as possible after the relevant facts come to his or her knowledge disclose the nature of the interests to the chairperson.

A member who has disclosed a pecuniary interest in a matter must not be present while the BRAC is considering or deciding the matter and must not take part or further part in that consideration or decision.

Materials distributed to BRAC members are to be regarded as confidential. It is appropriate for members to seek the views of others in the context of the governance structure associated with their representative association or organisation. Where a member considers it necessary to distribute material outside their representative association or organisation, the member takes accountability for managing confidentiality.

5 Sub-committees

Sub-committees are formed on an as needs basis, to discuss specific issues. Sub-committees should consist of a minimum of 3 members with specific expertise or interest in the issue under consideration. Sub-committees may meet after Committee meetings or as otherwise arranged. Technical staff of the VBA can be made available to assist sub-committees.

The elected Chair of the sub-committees is responsible to report the work of the sub-committee to the BRAC, in written format and with a recommendation for the BRAC's consideration. A verbal report may also be given to the BRAC.

6 General procedures – Meetings

6.1 Chair

The Chief Commissioner or Commissioner nominated by the Chief Commissioner is Chairperson of the BRAC or a person elected by the members present, if the Chairperson is not present.

6.2 Agenda Items

The meetings may cover the following:

Matters arising from the minutes

Members can raise any questions or issues relating to the minutes of the last meeting.

Chair's Report

At each meeting the Chairperson shall advise the committee on matters that have transpired that are of relevance to BRAC.

Building Regulations

At each meeting the VBA representative, or appropriate guest, shall advise BRAC members on relevant matters relating to the Regulations or draft Regulations, regulatory impact statements or public comment drafts of referenced codes and standards. Discussion may then occur on these matters raised in the normal course of the meeting.

Accreditation

The BRAC considers applications for Accreditation. Staff members of the VBA will present applications to the BRAC, usually with a recommendation for member's consideration.

Members may submit agenda items. If the agenda item relates to a perceived industry problem, the submission is subject to the item providing context, background, the nature of the problem and suggested resolution of the problem. Agenda items must be submitted by COB of the Monday in the week prior to the meeting.

6.3 Minutes & Meeting Papers

The VBA shall provide the committee secretariat and is responsible for the recording and preparation of meeting minutes. Minutes of the previous meeting, and other associated papers are made available to members 7 days prior to the next scheduled meeting.

6.4 Frequency of Meetings

Meetings have been scheduled for the **third Wednesday of every month.**

Meetings are held in the **Ground floor 'Collins Boardroom' of the Victorian Building Authority at the Goods Shed North, 733 Bourke Street, Docklands** and, unless otherwise notified, commence at 9:00am.

6.5 Proxies to Meetings

Unless agreed to by the Chair, members of the BRAC may not nominate a proxy to attend a meeting if the member is unable to attend. A proxy will be regarded as an observer, will be entitled to participate in discussions but will not have voting rights. If a member cannot attend a meeting they may indicate their voting intentions by forwarding them in writing to the Chair or Director, Technical & Regulation via the secretariat prior to the meeting.

6.6 Quorum Requirements

At a meeting of the BRAC a quorum is half the number of the members currently holding office, except if the resulting number includes the fraction 1/2; the next highest whole number is the quorum.

The functions of the BRAC may be performed at a meeting at which there is a quorum.

6.7 Decisions of BRAC

At a meeting a decision of the BRAC is the decision of the majority of the members present and voting at the meeting, and if voting is equal, the person presiding at the meeting has a casting vote as well as a deliberative vote.