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David Driscoll  
Parliamentary Officer (Committees)  
Standing Committee on Delegated Legislation  
Legislative Council  
Parliament of Western Australia  
PERTH WA 6000

By email: [delleg@parliament.wa.gov.au](mailto:delleg@parliament.wa.gov.au)

Dear Mr Driscoll,

**RE: INQUIRY INTO ACCESS TO AUSTRALIA STANDARDS ADOPTED IN DELEGATED LEGISLATION**

UDIA is pleased to provide this submission to the Joint Standing Committee on Delegated Legislation in relation to its *Inquiry into access to Australian Standard adopted in delegated legislation*.

The Urban Development Institute of Australia (UDIA) WA is the peak body representing the urban development industry in Western Australia. UDIA is a membership organisation with members drawn from the development, planning, valuation, engineering, environmental, market research and urban design professions. Our membership also includes a number of key State Government agencies and Local Government Authorities from across the state. Nationally, UDIA represents the interests of thousands of members and includes all the major land development companies, both public and private, and specialist consultancy firms.

UDIA supports the Joint standing committee’s Inquiry into access to Australian Standards adopted in delegated legislation, with the hope that this inquiry will result in greater transparency of legislative requirements, and promotion of greater understanding for affected legislation. UDIA understands the advantages and efficiencies in referring to Australian Standards within legislation, in that it allows legislative requirements to reflect best practice and current community standards, without the need for legislative amendment to effect such changes. While we recognise such efficiencies, the current barriers to obtaining Australian Standards, including financial burden, may impede the public’s ability to fully understand and interpret legislation. In regard to the public’s interaction with the urban development industry, greater access to relevant Australian Standards will create more informed purchasers, equipped with a greater understanding of the standards to which land and built form products have been developed, as well as their ongoing rights and responsibilities post-purchase. This is particularly important with regard to new and changing policy settings, for example the policy framework currently being developed in regard to bushfire management and the applicable standards of AS3959 to dwelling construction.

In the context of the urban development Industry, Australian Standards are often referred to in regulations and other subsidiary legislation to provide technical guidance, performance measures, or assessment criteria which support the intent of the legislation, providing necessary practical information required to apply or adhere to the legislative provisions. Therefore in practice, Australian standards are crucial to the implementation of legislative provisions not only for developers and their consultants in adhering to these standards, but also the various government agencies responsible for the monitoring and approval of compliance.

UDIA is pleased to provide the following comments in relation to the Inquiry's terms of reference, as listed on the invitation to comment.

1. The level of free public access to adopted Australian Standards in metropolitan and regional Western Australia:

Research conducted by UDIA members, indicates that Australian Standards are referred to in approximately 30 Western Australian statutes and 50 items of subsidiary legislation. Currently, many of these Australian Standards are not readily available or are only available for a fee. The level of free public access to the Australian Standards referred to in legislation is therefore very limited.

2. Whether amendments to legislation are required to improve public access to adopted Australian standards:

The introduction of legislation and/or legislative amendments should be considered by the Inquiry as appropriate mechanisms for improving public access to adopted Australian Standards, if and where necessary.

3. Other measures to improve public access to adopted Australian Standards:

UDIA is supportive of additional measures that seek to improve public access to adopted Australian Standards. Such measures may include reaching agreements with Standards Australia to provide free online access to the relevant Australian Standards and/or arrangement for publication on websites such as State Law Publisher or Austlii (Australasian Legal Information Institute).

UDIA appreciates the opportunity to provide these comments to the Joint Standing Committee on Delegated Legislation and welcomes any further consultation you may wish UDIA to take part in, as the Inquiry moves forward.

If you require any further clarification, please feel free to contact a member of our policy team at [policy@udiawa.com.au](mailto:policy@udiawa.com.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Debra Goostrey', with a stylized flourish at the end.

Debra Goostrey

Chief Executive Officer