

The Director, Tasmania Law Reform Institute

I have just read this Issues Paper and I am some what surprised at the lack of knowlege shown in the paper of the Tasmania Building Legislation and the provisions included in that legislation. I refer to the Local Government (Building and Miscellaneous Provisions) Act 1993 and the Building Regulations 1994. Similar provision are also included in the Building Act 2000 and the Building Regulations 2004 which comes into force on 1 July 2004.

The paper in my view fails to detail current provisions that are in the legislation in particular in relation to Building Certificates. Ie.in Part 2 "The Need for Reform", and the "The 'disclosure documents'".

The above legislation also includes provisions for dealing with illegal work which does not necessary require the issue of a demolition order by a Council as the only option canvassed by the paper.

This lack of knowledge of building certificates is I must say, not new to me (but is disturbing), as I have on numerous occassions been involved with giving advise on cases where if a Building Certificate had been sought by a purchaser or his solicitor many of the problems that subsequently occured after purchase could have been solved early in the property transfer process.

I would suggest that the writer of the document look further at the Building Certificate provisions in the above legislation and amend the paper accordingly.

In relation to the Questions, further detailed comment will be provided in due course.

Regards

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