

UNPRECEDENTED OPPORTUNITY TO FIX OUR BUILDING REGULATORY SYSTEM

8 April 2021

Significant changes to the building regulatory system are needed to improve community safety and address conflicts of interest, the Municipal Association of Victoria (MAV) advocated today.

The MAV made the announcement with the release of the *Framework for Reform* discussion paper by the Victorian Government's independent expert panel looking at Victoria's building regulatory system.

The panel is undertaking the most comprehensive review of the building system since the introduction of private building surveyors in the early 1990s.

The review recognises major longstanding problems in Victoria's building system. It provides a not-to-be-missed opportunity to make the changes needed to give Victorians the protection and confidence they deserve.

MAV President, Cr David Clark, explained that one of the most glaring problems in the current system is the inherent conflict of interest in the private building surveyor model.

"This is a discussion we have to have and an unprecedented opportunity to right a wrong – for the safety of all Victorians, the first priority must be protecting families," Cr Clark said.

"We must have a building system that focuses on ensuring buildings are safe and compliant with building codes, rather than satisfying developers. Allowing developers to employ their own building surveyor, as they can in the current system, is incompatible with a rigorous system of regulation.

"We need to move to a system where building surveyors are no longer conflicted between their role as regulators and accommodating the developer that employs them. This will improve community safety, consumer protection, and the integrity of the construction industry. It will also provide a level playing field for the many building surveyors already doing the right thing.

"We have all seen the results of poor building regulation in Victoria, the cost and stress it creates for those left to mop up the mess is enormous.

"We shouldn't for a minute think the problems with Victoria's building regulatory system are contained to high-rise apartment buildings and flammable cladding. We've seen issues with every type of building – these are always costly for owners, and too often they've tragically resulted in loss of life and serious injury.

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“There's been excavation work collapsing and endangering neighbouring properties. Balconies and decks have collapsed, residents in new estates finding mould and being told their best option is to demolish and start again. We've had whole suburbs covered in smoke from chemicals burning in warehouses never designed to hold them and without the necessary fire suppression systems.

“We need comprehensive changes to address all these problems, not just tinkering around the edges.”

The discussion paper includes three possible reform models put forward by stakeholders including one by the MAV. Our model would have the Victorian Building Authority assign inspections to private surveyors, rather than have the surveyors employed by developers.

The MAV has called for an increased council role in the enforcement of building compliance, noting that this must be supported by additional resourcing through the building levy. The proposal is in keeping with the Victorian Municipal Building Surveyors Group, which has put forward an alternative model which also seeks to increase councils' role and ensure that inspections are independent from developers.

Cr Clark added that the regulators currently lack the role clarity and resourcing they need to succeed.

“There will be many voices claiming we can't afford to take the steps necessary to solve these problem - the reality is we can't afford not to, effective regulation is essential not only for public safety but for the sustainability of the construction industry” Cr Clark said.

“We support councils playing an increased role in the regulatory system. As the level of government closest to the community councils are best placed to be responsive to local issues and bring independence to the regulatory role. This increased role must be adequately resourced, rather than leaving ratepayers to subsidise the regulation necessary to support the construction industry.

“Councils have a long and proud history in employing Municipal Building Surveyors to protect public safety and who operate without the inherent conflict of interest embedded in the current private building surveyor model.”

The MAV is urging all Victorians to provide their feedback calling for a strong and independent building regulatory system that serves the public, not developers. Consultation on these reforms is open until 19 May on the Engage Victoria website.

For further information, contact the MAV Communications Unit on (03) 9667 5590.

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