

# 2023 Building Surveyors Conference

## Q&A

*The following answers have been provided to questions asked during the Building Surveyors Conference on 16 August 2023.*

*The responses provided are accurate as at 29 August 2023.*

### **Will subcontractors be registered as practitioners and be accountable for their work as building surveyors cannot be responsible for trades?**

It is important that building surveyors don't inherit a disproportionate responsibility for work done by other professionals. There is work underway to expand the practitioner registration and licensing schemes, increase accountability and strengthen the regulation of those working on building sites. One part of this work is the Trades Registration and Licensing Project. Later this year, it is expected that draft regulations and a Regulatory Impact Statement will be released by Government for consultation. This work builds upon the recommendations of the Expert Panel, namely recommendation 4 – expand and refine registration and licensing schemes to strengthen accountability, regulatory oversight and consumer protection. The VBA will provide updates about the progress of this work as it becomes available.

### **When is waterproofing to be included in the mandatory inspection stages in Victoria?**

Currently there is no mandatory inspection of wet areas and waterproofing in Victoria. Each year, the VBA inspects thousands of building sites for water ingress and waterproofing and weatherproofing continue to be areas of risk identified. The VBA has undertaken research to learn more about the scope of this issue and what can be done to remedy it. A key focus for the VBA is to educate practitioners about areas of common non-compliance, which we do through our Practitioner Education Series, Practice Note updates and responses to technical queries.

### **What is being done regarding the huge number of illegal builders doing illegal works? How do registered builders compete?**

The VBA takes seriously the integrity of the building system and has a zero-tolerance approach to rogue operators. We will and do use the full suite of our regulatory powers against individuals who undertake building and plumbing work without the appropriate registration or licence, with sizable financial penalties and convictions imposed. An important part of the VBA's work is to also educate consumers about what to look out for when engaging practitioners. Consumers need to feel empowered to make the best decisions when it comes to building and plumbing work and engage suitably qualified professionals. The [Find a Practitioner](#) tool is one way to achieve this. Find a Practitioner helps consumers assess whether their practitioner is appropriately registered or licensed to complete work and whether they have a recent disciplinary history.



### **As per the VBA v Cau case and the shortage of building surveyors in Victoria, what does this mean for interstate building surveyors seeking registration in Victoria?**

Australia's Full Federal Court handed down a decision on 31 July 2023 in relation to mutual recognition laws and building surveyors. The case concerned a building surveyor registered in Western Australia, seeking registration in Victoria under the mutual recognition laws. The VBA refused the application and argued that because the statutory functions of a registered building surveyor in Victoria differ from those in Western Australia, registration as a building surveyor in Western Australia is not equivalent to registration as a building surveyor in Victoria. The Full Federal Court disagreed with the VBA and upheld the decision of the primary judge, finding that the test for equivalence was not based on a comparison of statutory functions, but instead was to be determined based on the activities of the occupation. The VBA took this action to protect the integrity of the building surveyor registration system. We believe Victoria has some of the highest standards for building regulation in Australia and we want to keep it that way and protect consumers. This judgement means there is potential for more building surveyors in Victoria, addressing the current shortage.

### **Does the VBA intend to provide Continuing Professional Development (CPD) for building surveyors?**

The Stage One Report from the Expert Panel and in particular, recommendation 5, confirms what the VBA has heard within industry about a desire for a mandatory Continuing Professional Development (CPD) scheme, as part of registration and licensing renewal processes. This will assure regulators, consumers and practitioners about the expected competencies for each class of building and plumbing and enable practitioners to better understand and meet their obligations and ultimately, improve competence and building standards. This work is separate to that of the Expert Panel and remains ongoing with the Department. There is some work being done in this area within professional associations and it is pleasing to see the VBA's education programs recognised as being of value.

### **Of the 827 registered building surveyors, do you know how many are actively issuing building permits?**

390.

### **What are the ideas and solutions to fix mould issues and avoid it altogether?**

Consumers wanting to prevent mould in their home are advised to look out for early warning signs of water ingress and water damage. The VBA's consumer guide, [Water ingress – balconies, decks and terraces](#) includes guidance about what to look for and what to do when you notice signs of water ingress. If you have leaking pipes, or damp on ceilings or other water related problems in your building, make sure you take steps to hire a registered or licensed practitioner to fix these. Tips offered by [Better Health Victoria](#) can assist those who have health concerns and reduce the risk of mould.

The VBA has a statutory function to conduct or promote research relevant to the regulation of the building and plumbing industries. The 2022-23 VBA Research Grant Program focused on research that will assist in reducing moisture ingress and water damage in Victorian buildings. Through this program, the VBA supports research that will find, or contribute to, new and innovative solutions to minimise moisture ingress and water damage. This will help provide the evidence base to inform regulatory decisions and improvements to the building regulatory system and the quality of the built environment in Victoria. To learn more about the VBA's Research activities, visit [vba.vic.gov.au/about/research](http://vba.vic.gov.au/about/research)



**When focusing on mould that causes health problems, are you looking at illegal bathroom renovations by unregistered builders?**

The VBA takes seriously the integrity of the building system and has a zero-tolerance approach to rogue operators. We will and do use the full suite of our regulatory powers against individuals who undertake building and plumbing work without the appropriate registration or licence, with sizable financial penalties and convictions imposed.

**Have buildings become too complex to build, for example weatherproofing with very specific installation details against low education levels and a casual industry culture?**

The building system is complex and evolving and our regulatory frameworks need to be modern, responsive and tailored to the underlying complexity of different types of buildings. Reforms to the building system recommended by the Expert Panel pave the way for a once-in-a-generation change to how Victoria's building system is regulated. The VBA continues to use its compliance and enforcement functions to investigate and discipline practitioners and rogue operators found doing the wrong thing. Our education program, which includes responses to technical queries, Practice Note updates and the Practitioner Education Series webinars seeks to educate practitioners about common non-compliances and how to avoid them. This educative approach aims to minimise harms to the built environment and upskill practitioners about best practice approaches.

**Is there any consideration to providing private building surveyors with funding for cadets, similar to apprenticeship wage subsidies?**

Building surveyors undertake a significant role within the construction sector and ensuring there are enough qualified and high performing building surveyors is critical to an effective building regulatory system. The State Building Surveyor is working with industry through regular liaison meetings with stakeholders to develop joint initiatives to address this challenge. The VBA is also promoting career pathways for new entrants and facilitating secondments to assist with experience opportunities towards registration.

**Is the VBA considering expanding BAMS to be a central repository and follow the NSW and Tasmania planning portals?**

The VBA is developing a pilot for using BAMS as a central repository for building permit documentation. A business case and a decision has not been made to make BAMS a central repository, however, engagement in relation to improving detached permit management has identified strong sector support for a centralised repository.

**Prior to the State Building Surveyor issuing a binding determination, will a draft be issued for public comment?**

Binding determinations are potentially a very powerful tool to provide practitioners with clarity on technical standards and regulatory requirements. It is important to understand that binding determinations cannot be used to set new standards or new requirements, just to clarify existing ones. The VBA understands this will require careful consideration of the nature of the harm it aims to avoid or minimise, and the suitability of other tools or pathways to achieve a similar policy or regulatory outcome. The VBA has commenced work to identify what critical policy or regulatory



outcomes we want to focus on during the initial stages of implementation, and how to engage with industry on that, as well as during the process of issuing a binding determination.

### **Questions related to the Building Manual**

Thank you for your questions about the Building Manual, which is being developed the Department of Transport and Planning (DTP). The project is currently in its early design stage and DTP are unable to respond to the detail of the questions posed, however feedback received will be considered as detailed work progresses.