

## **Opening statement - Enquiry into Building Quality**

My first contact with the ACT building regulator was fourteen years ago. I had some concerns about compliance issues for our new house and wanted to ask how the work of a builder and private certifier might be checked. I found nothing could be done and was made to feel I had some impertinence for even implying that the system might have flaws. Four years later my concerns were confirmed. Heavy rain combined with poor design of the building, the drainage system and the wilful incompetence of the builder, resulted in flooding. The builder escaped any responsibility without censure or penalty. My experience does not seem unique. One must question how a regulatory system which has proven to be so unsatisfactory could have been set in place and then allowed to continue for so long.

It seems likely that a combination of cost cutting and influence on legislators from vested interests has resulted in a system in which business is favoured and the interests of consumers down played. To limit influence and discourage corruption, some jurisdictions now ban political donations from developers. Building consumers have expressed so much dissatisfaction with building quality that it is time to examine the influence of vested interests on the design and the operation of the building regulatory system.

My experience was that the regulators were both unable and unwilling to help. In fairness the regulators are also under pressure. Regulators cannot do their job without resources to be effective and without the political support to regulate. An ethos is needed which is fair to builders but first and foremost ensures quality building. Penalties must have real significance and there must be, as in some other regulatory systems, unannounced inspections for compliance.

It would help consumers confronted with bewildering building requirements if there was a user-friendly way for building owners to seek advice from the regulators and to have complaints investigated.

There remains the old question that is still relevant today. Who guards the guardians? The only effective checks on our guardians are clear and legal limits on the influence of vested interest and the maximum transparency in policy making and regulation. Public money is used to regulate the building system and the public should know how the money is spent. Results of all inspections should be available on line and the regulator needs to publish an annual report on its activities.

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