



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PLANNING, TRANSPORT, AND CITY SERVICES
Ms Jo Clay MLA (Chair), Ms Suzanne Orr MLA (Deputy Chair),
Mr Mark Parton MLA

Submission Cover Sheet

Inquiry into Property Developers Bill 2023

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Good Morning Adam

Thank you for the invitation to make a submission into the Property Developers Bill 2023. The time constraints prevent me from submitting a more detailed submission. My background has involved over 30 years in building regulation in the ACT, my specific roles included senior building surveyor and senior builders licensing officer. I have not been directly employed in the building regulatory system for the past 20 years but have been actively involved in several reviews and reforms aimed at addressing defective building work in the ACT. I have witnessed deregulation of the industry and on the other hand I've witnessed all the efforts in over regulation all with the good but failed intention of addressing building quality. The irony is that volumes of regulation are created but enforcement of those regulations is sadly lacking as are the skills of those tasked with enforcement. Now we have another attempt to address the quality of building work and latent defects by introducing licensing for property developers. I've read the explanatory statement and the objectives of the bill, and my first thought is more red tape and increased bureaucracy to administer. The construction industry is struggling and is strangled with red tape and excessive delays in approvals. The impact is building costs continue to escalate and we continue to miss some fundamental solutions that would have immediate impact as I have previously outlined.

Most of our property developers in the ACT are home grown and have made an enormous contribution to the ACT economy and more importantly to providing affordable and social housing in the territory (up to 20% in each development). Most property developers are not builders. If the property developer is also the builder, then that entity has clear responsibilities under The Building Act and the Constructions Occupations Licensing Act. The responsibility for the standard of building work and the minimisation of latent defects clearly is the responsibility of the licenced builder and other professional consultants in the construction chain. This leads me to the obvious question has there been a detailed cost and benefit analysis undertaken of the likely impacts of licensing property developers.

Prior to anymore changes being implemented it is advisable to review what is currently working and what failures there are in the system. Otherwise, we will still be discussing the same issues in another twenty years. Victoria has just created a Statutory Position of Building Surveyor very similar to the position of Building Controller that we once had in the ACT. This position was a highly respected role and there was regular engagement with all the participants in the profession. This role is now sadly missing to the detriment of the profession as a whole.

Regards



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