

BUILDING MINISTERS' FORUM

Assessment of the Effectiveness of Compliance and Enforcement Systems for the Building and Construction Industry across Australia

Terms of Reference

The independent experts, Professor Peter Shergold AC and Ms Bronwyn Weir, have been appointed by the Building Ministers' Forum (BMF) to undertake an external assessment of the compliance and enforcement systems for the building and construction industry across Australia and the potential for further or additional reforms. Professor Shergold and Ms Weir will provide an initial report to the BMF at its meeting in October 2017. A final report will be provided to the BMF as soon as possible after the October 2017 meeting.

Compliance systems are the legislated processes in each jurisdiction intended to ensure that buildings are designed and constructed to comply with the National Construction Code (NCC) and are maintained (as appropriate) in accordance with legislated Australian Standards.

Enforcement systems are the legislated processes in each jurisdiction that allow a regulator to detect and remedy non-compliance with the NCC.

Professor Shergold and Ms Weir are engaged to, in consultation with the Commonwealth, state and territory governments, the Australian Building Codes Board and key industry stakeholders:

1. Examine compliance and enforcement problems within the building and construction systems across Australia that are affecting the implementation of the NCC, as they relate to:
 - a. roles, responsibilities and accountabilities of different parties;
 - b. education and training;
 - c. licensing and accreditation;
 - d. accuracy of design and documentation;
 - e. quality control and assurance;
 - f. competencies of practitioners;
 - g. integrity of private certification;
 - h. inspection regimes;
 - i. auditing and enforcement practices; and
 - j. product importation and chain of custody.
2. In undertaking the assessment, Professor Shergold and Ms Weir are to take into account the impact of recent building regulatory reviews and reforms undertaken and implemented by state and territory governments, including but not limited to:
 - a. Australian Capital Territory – Improving the ACT Building Regulatory System Review;
 - b. New South Wales — 2016 Response to the Independent Review of the *Buildings Professionals ACT 2005*;
 - c. Queensland — 2016 Building Plan Review;
 - d. Tasmania — 2017 Building Regulatory Framework;
 - e. Victoria — 2017 Building Regulations Sunset Review;
 - f. Western Australia — 2016 Auditor General Report on Regulation of Builders and Building Surveyors; and
 - g. Senate Economics Committee Inquiry into Non-Conforming Building Products.
3. Based on the outcome of the assessment, consider strategies for improving compliance and enforcement practices and make recommendations for a national best practice model for compliance and enforcement to strengthen the effective implementation of the NCC.