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| Expert Panel on Building Reform |
| Terms of Reference  November 2020 |

The Victorian Government’s comprehensive review of the building system is underway with the establishment of the Expert Panel to lead the review of the building sector’s legislative framework, all relevant regulators and related issues.

The Government is committed to a building system which delivers safe, quality buildings, by a sustainable construction industry and with effective consumer protections. There are many indications that the current building system is not fit for purpose, a fact that has been highlighted in numerous reviews, such as the Victorian Cladding Taskforce reports, and the Shergold Weir *Building Confidence* report.

There are several areas where urgent action is needed, and the Government is already taking steps to deliver on these. This includes establishing the $600 million Cladding Rectification Program, introducing a power for the Minister for Planning to ban dangerous cladding products, working with the Victorian Building Authority to prepare a code of conduct for building surveyors, changing professional indemnity insurance requirements so that practitioners are no longer required to hold a policy free of cladding exclusions, and developing options for mandatory continuing professional development schemes for practitioners.

At the same time, the Expert Panel has commenced its work to lead a comprehensive examination of the legislative framework for Victoria’s building, plumbing and architecture industries that will place safety and consumer protection at the heart of the system. The Panel will advise the Government throughout the building system review. It will undertake research, consultation and analysis to produce recommendations for reform.

**Panel Membership:**

The Panel is being chaired by the Commissioner for Better Regulation, Anna Cronin.

Other members of the Panel are:

* Dame Judith Hackitt
* Dr Gerry Ayers
* Professor Ian Bailey AM SC
* Lauren Solomon
* Melanie Fasham

Collectively, the Expert Panel has decades of international and domestic experience in engineering, occupational health and safety, law, consumer protection, best practice regulation and building design, safety and quality.

**Objectives of the review:**

To provide a regulatory system that:

* delivers safe, compliant, durable, affordable and sustainable housing and buildings efficiently and effectively
* protects consumers and improves confidence in the industry and regulators
* supports skilled and experienced practitioners to carry out compliant and safe practices and
* supports regulators to effectively and efficiently enforce compliance

**Scope of the Panel’s work**

The Panel will initially identify and advise the Minister for Planning on early initiatives that can be undertaken by Government. These initiatives will focus on changes which can improve the way the current system works, which can be quickly implemented, and which do not prejudice the fundamental reforms which need to be made to Victoria’s building system.

To advise on the more fundamental building system reforms the Panel will:

* evaluate the current building regulatory system and identify key challenges facing consumers and industry
* establish overarching principles to guide the building system and
* outline proposed improvements to address the key reform areas.

As part of its work, the Expert Panel will consider what changes are necessary to the legislation and subordinate instruments that regulate the building and plumbing industries. The work of the Panel will address both the issues surrounding the existing stock of buildings in Victoria as well as establishing a framework for future buildings.

**A staged approach to reform**

The Expert Panel’s advice to Government will be staged. This enables progressive implementation of reforms and meaningful engagement with stakeholders. The Expert Panel will consider stakeholder feedback through a public consultation process before finalising recommendations to be provided to the Minister for Planning.

***Stage One***

In a discussion paper released in 2021, the Expert Panel will seek stakeholder feedback on options for improving:

* practitioner registration
* consumer representation
* regulatory oversight and
* building approvals

***Stage Two***

In a discussion paper released in early 2022, the Expert Panel will seek stakeholder feedback on options for improving:

* statutory duties
* dispute prevention and resolution
* compliance, enforcement, and discipline
* insurance
* new building, technology, and information
* building maintenance
* complex and prefabricated plumbing

***Stage Three***

Recommendations for a new Building Act are to be considered by the Expert Panel as part of the third stage. This would include a restructuring of the legislative framework and subordinate instruments to align with recommendations in Stages One and Two.