



Australian Institute of Building Surveyors

national

12 September 2011

Residential Energy Efficiency Team
Building Government Energy Efficiency Branch
Department of Climate Change and Energy Efficiency
GPO Box 854
CANBERRA CITY ACT 2601
residentialdisclosure@climatechange.gov.au

Re: Residential building mandatory disclosure consultation Regulatory Impact Statement

Thank you for the opportunity to comment on the Residential Building Mandatory Disclosure (RBMD) Regulatory Impact Statement (RIS).

The AIBS is the national peak professional industry body and actively represents its members who are responsible for delivering regulatory functions under the respective building regulations in each state. Their role is to ensure the safety and health of the occupants of all buildings; the provision of a minimum level of amenity for the benefit of building occupants; equitable access for people with disabilities; energy efficiency compliance in buildings and other related matters, to the extent that they represent the minimum standard required by legislation and in the public interest.

AIBS believes RBMD is a required catalyst to stimulate significant building renewal over the coming decades made necessary by the reality that the bulk of the Australian residential building stock is between 30-70+ years of age and built during a different time period where there was less focus on sustainability and amenity, and more focus on practicality and functionality.

Through RBMD it is possible to regenerate Australian cities, and although the disclosure of residential building energy, greenhouse and water performance does not directly impact AIBS members, we would like to highlight a few issues of concern that, based on recent experiences through the home insulation and Building Education Revolution (BER) programs, we foresee the current federal government should be more inclusive and seek input from the building surveyors on projects as the industry expertise can and often will identify future potential areas of non-compliance to the current Building Code of Australia.

As outlined in the consultation session, a central component of the RIS is the uptake of recommendations provided to building owners in part 3 of the mandatory disclosure

process. AIBS agrees that this needs to be the central focus, because without action, any building rating is somewhat meaningless, however, our concern exists with how building owners, and in particular homeowners, implement these recommendations.

The current building certification, buying and selling, or leasing process does not contain requirements for individuals who take up recommendations to have these performed by suitably qualified tradesmen or to have them certified as safe. This is particularly relevant as ceiling insulation is nominated as one of the most cost effective means of improving building sustainability, yet this has been proven to arguably carry the highest risk. As per the accidents in the federal insulation initiative.

While we recognise that addressing this issue will probably increase the costs of the policy, we believe recent experience suggests that unless this issue is addressed, public safety in buildings could be compromised, and ultimately the cost of the scheme could be fatal.

In addition to this, the state-by-state implementation of this policy can also create additional problems, especially if some states heed this warning and others do not. The issue of residential building sustainability and urban renewal is too critical to the health and productivity of Australia to be left to chance through state-by-state implementation.

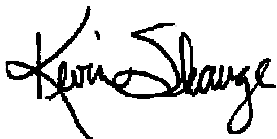
As such, AIBS recommends

- **Requiring the use of, or inspection by, a suitably qualified person that any recommendations taken up by building owners comply with necessary building code and relevant legislation to ensure occupant safety**
- **A Nationally consistent agreement across all states and territories prior to this provision to be included in each of the respective legislation and/or regulation to implement RBMD.**

AIBS welcomes the opportunity to discuss this issue further. To do so, please contact Michelle Overall on (02) 9498 1702 or administration@aibs.com.au to arrange a suitable time.

Please also note, this letter has been sent to the respective Victorian and NSW government and departmental representatives for their information.

Yours Sincerely



Kevin Skauge
Chief Executive Officer
Australian Institute of Building Surveyors