

JUNE 22, 2014



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# Napthine buckles in pursuit of bad builders

### EXCLUSIVE

**Simon Johanson**

The Napthine government has backed away from key building reforms designed to better protect home owners in the face of opposition from the building industry.

The new building legislation will

be delayed until spring, while thousands of dwellings in Melbourne's western suburbs crack up from "slab heave", the result of volatile clay soils and poor building practices. The government is also expected to alter crucial sections of the legislation.

Just last month senior government ministers applauded the

changes, saying they "will deliver far-reaching improvement to the building system for Victorian consumers and builders".

But in a recent note to members, Master Builders Association of Victoria chief executive Radley de Silva said the government had "agreed not to proceed with the building legislation amendment

bill in its current form". The reforms would "impact builders and their businesses every day," Mr de Silva said.

The building legislation reform is intended to establish a consumer protection fund and give the new Victorian Building Authority greater responsibility for dealing with domestic building disputes

and more enforcement powers.

The building industry is critical of proposed changes to dispute processes, builders registration, and reforms to the domestic building insurance scheme, arguing it will worsen affordability.

Planning Minister Matthew Guy was contacted for comment.

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# Les Misérables

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Victoria

*The Sunday Age* has received dozens of responses from distressed home owners after reporting thousands of near-new homes are at risk of falling apart in Melbourne's western and northern suburbs, leaving their owners facing financial ruin.

Melton West home owner Melissa Bryant has taken her builder, Nostra Homes, to Victoria's planning tribunal alleging defects caused the slab under her five-year-old house to move. The movement has left her \$226,807 home with bulging walls and ceilings, uneven floors and cracked brickwork and tiles, Ms Bryant claims.

"We have spent \$10,000 to get to this point. Over the last two years I have written over 24 letters and 32 emails, made in excess of 100 phone calls and spent numerous hours of my time to get to this point. It's no wonder people give up," she said.

Nostra Homes has denied responsibility for the alleged defects.

Ms Bryant's slab-heave case is one of several before the Victorian Civil and Administrative Tribunal.

Most disputes never get to court, with cash-strapped owners giving up in the face of steep legal costs and deep-pocketed builders and insurers.

"The stuff that has been reported is the tip of the iceberg," Mr Tee said. "The impact on people's marriages, the impact on their finances is quite catastrophic."

One builder being sued over defects in a Melton West home is alleging that Melton Council knew about highly reactive soils on a "sinkhole plain" where he had built the dwelling and did nothing to inform prospective owners or builders.

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## Reprieve for bad builders

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Opposition planning spokesman Brian Tee described the about-face as a "humiliating back-down".

"In the normal course of events this bill would have been passed by now and consumers would be better off," Mr Tee said.

The back-down comes at a sensitive time for the government with Victoria's Auditor-General, John Doyle, set to probe consumer building protections amid growing calls for an independent inquiry.

Former consumer affairs director David Cousins said there had been "tinkering" but not fundamental reform to a system that was letting home owners down. He said an independent review along the lines of the recent Allan Fels taxi industry inquiry was needed.

"It's been an inadequate system for a decade now," he said. "It's hard to explain why governments have been reluctant to address it."