

Victorian Building Authority

Goods Shed North
733 Bourke Street, Docklands
Victoria, Australia 3008

PO Box 536, Melbourne
Victoria, Australia 3001

Telephone 1300 815 127
Facsimile 03 9618 9062

DX 210 299 Melbourne
www.vba.vic.gov.au

CMIN042435
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9 August 2013

Mr Clive Alsop, Coroner
Coroners Court of Victoria
Level 11, 222 Exhibition Street
MELBOURNE VIC 3000



Dear Mr Alsop

Findings of the inquest into the death of Tye Sunderland

Thank you for your letter dated 28 August 2012 regarding your recommendations following the tragic death of Tye Sunderland due to the collapse of a decorative masonry fireplace surround. The findings and recommendations have been forwarded to the Minister for Planning, the Hon Mathew Guy. The Minister has recently asked that I provide you with an update on the considerations and response to your recommendations.

Your investigation contained a recommendation to consider amending the Building Act 1993 (the Act)—

- To require a building permit for the construction of masonry walls and facings currently exempted by Schedule 8 (of the Building Regulations 2006);
- To require a bricklayer constructing such a wall or facing to certify, in writing, that appropriate ties have been used to attach the new brickwork to suitable existing material;
- To permit regular overall structural assessment of rental properties.

The first recommendation would introduce the requirement that repair, renewal or maintenance work involving decorative masonry facing would require a building permit. In conjunction with the second recommendation, it would also introduce the requirement for a bricklayer undertaking such work to be a registered building practitioner and when such work is undertaken, to provide a compliance certificate.

Some time ago, the former Building Commission developed a discussion paper that proposed that sub-contractors including carpenters and bricklayers would be required to be registered building practitioners. In discussions with the Victorian Competition and Efficiency Commission, it became clear that the proposal would not successfully meet the economic standards of a cost benefit analysis required to be published in a Regulatory Impact Statement and was abandoned.

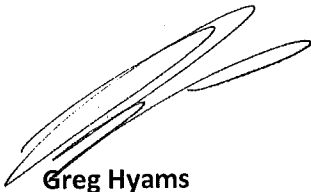
Local councils currently have extensive powers under the *Building Act 1993* where they become aware of buildings that might present a danger to an occupier or any other person. A municipal building surveyor can issue a building notice, building order or an emergency order where a building is in a physical state that may present a danger to life or property.

For these reasons, I am proposing an alternative to your recommendation to be implemented by the Victorian Building Authority (formerly the Building Commission). This is the development of a Community Information Sheet or Guideline which explains the issues that should be addressed when this type of work is being contemplated. The brochure will detail owner's requirements to ensure the work is carried out in a structurally sound manner and advice regarding ongoing maintenance. Previous community information brochures on basketball ring installations and maintenance of balconies and decks are available covering similar potential life safety issues.

Community information sheets are available electronically from the Victorian Building Authority website (www.vba.vic.gov.au) as well as printed material being distributed through Municipal Council building departments and other industry organisations. This has been a very effective and efficient method of wide distribution throughout Victoria as consumers usually contact their local council for building advice.

Thank you for bringing this matter to my attention. The Community Information Sheet is nearing completion and I will forward you a copy once it is published.

Yours sincerely



Greg Hyams

Chief Executive Officer

Copies to: Minister for Planning
 Minister for Local Government