

Victoria's Building Act vs the IBQC Model Building Act: Anticipatory Reform and the Future of Building Control

By Adjunct Professor Kim Lovegrove and Adjunct Fellow Tsigereda Lovegrove, Board Members of the International Building Quality Centre. Adapted from their address to the VMBSG Annual State Conference 2026, Yarrowonga-Mulwala, 15–16 October 2026.

57 pages and more than 800

The International Building Quality Centre's Model Building Act runs to 57 pages. Victoria's Building Act 1993, as in force at 16 September 2026, runs to more than 800. The two are similar, not the same, built on the same intellectual foundations: proportionate liability, a ten-year long-stop, compulsory insurance and mandatory registration of the key actors.

The difference in length bears testimony to the momentum of reform in Victoria over three decades, with amendment built upon amendment as each new challenge was met. The authorised Act published on the Victorian Legislation website is now at version 152 (as viewed on 8 October 2026).

The Model Building Act, released by the IBQC in February 2026, is the first model building act developed at an international level. It sets out 11 Parts and 2 Schedules in plain English, designed to be adapted by any jurisdiction rather than transplanted. Victoria's Act was the first statute built on those foundations, three decades earlier. Since then it has been amended for 33 years, and a second principal Act, the Building and Plumbing Administration and Enforcement Act 2026, is still to commence.

The question is not which Act is better. It is what the comparison tells us about how Victoria's building control could evolve towards international good practice.

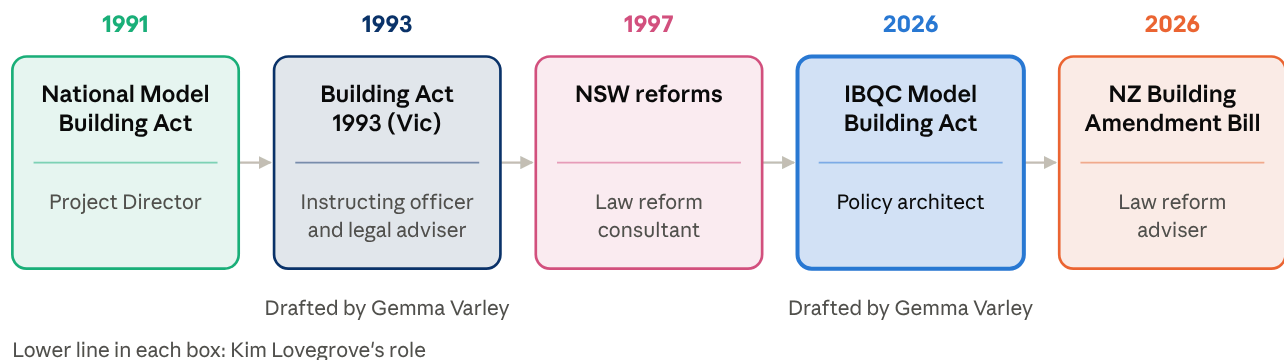
A 35-year lineage, one thread

The Model Building Act did not begin with a blank page in 2026. Its architecture runs back to 1991, when the Australian Uniform Building Regulations Co-ordinating Council, forerunner of the Australian Building Codes Board, commissioned a National Model Building Act: a template for eight jurisdictions, not a mandate.

Victoria's Building Act 1993 made that model binding. It was drafted by Gemma Varley, later Chief Parliamentary Counsel of Victoria. In 1997 New South Wales adopted proportionate liability, a ten-year liability cap, certifier registration and compulsory insurance. In 2026 the IBQC released its international Model Building Act, again drafted by Gemma Varley. The same year, New Zealand's Building Amendment Bill came before Parliament proposing proportionate liability, mandatory home warranties and mandatory insurance for designers.

One of the authors has been the policy thread through all five: Project Director of the 1991 model; principal legal adviser to the Victorian Government and instructing officer to Parliamentary Counsel on the 1993 Act; law reform consultant to the NSW Government in 1997; policy architect and author of the drafting instructions for the 2026 Model Act as IBQC Chair; and, through Lovegrove & Cotton, adviser on a law reform roadmap and to New Zealand's Ministry of Business, Innovation and Employment on proportionate liability and insurance design.

One policy thread runs from 1991 to 2026



lineage · five instruments, 1991 to 2026

An ecosystem, not a clause

International good practice in building control is not one clever mechanism. It is an ecosystem in which every duty has a home: a responsible institution, a record, an enforcement path and a remedy. A duty without a responsible actor is rhetoric; without records it is hard to supervise; without enforcement it is optional.

The Model Building Act builds that ecosystem around four institutions:

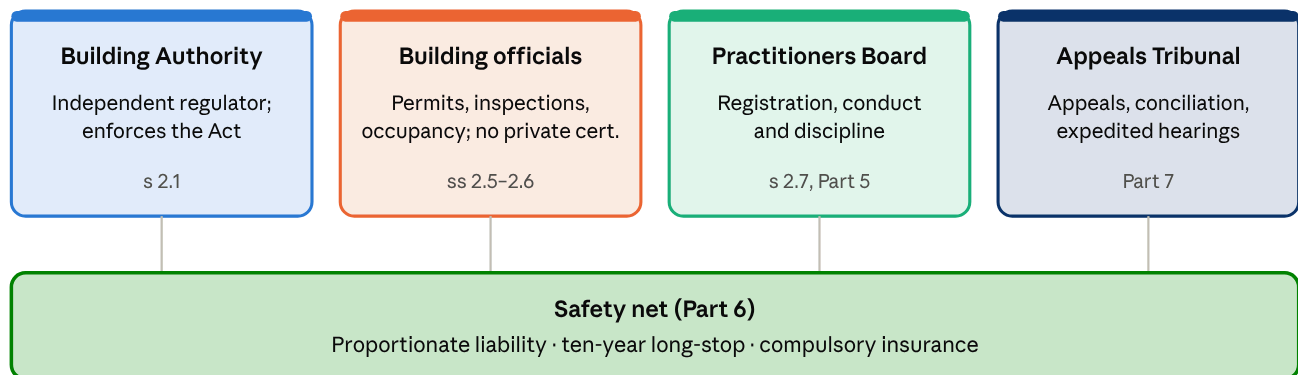
- **Building Authority** (s 2.1): the independent regulator, constituted by a Building Commissioner, which enforces the Act and oversees building officials and building product safety.

- **Building officials** (ss 2.5–2.6): the impartial gatekeepers. They are registered building surveyors employed by the Authority or a local council, and they issue building permits, carry out mandatory inspections and issue occupancy permits. The Model Act deliberately contains no private certification pathway.
- **Building Practitioners Board** (s 2.7, Part 5): competence, through registration, professional conduct and discipline.
- **Building Appeals Tribunal** (Part 7): specialist review and redress, including conciliation, mediation and expedited hearings.

Beneath them sits a safety net (Part 6): proportionate liability, a ten-year long-stop running from the occupancy permit, and compulsory insurance, so that every actor's responsibility is matched by financial accountability. Together, the four institutions and the safety net embrace a simple mantra: building better, not building back better.

The design also explains the Act's brevity. The mechanisms sit in the Act; the operational dials, such as classes, fees, penalties and timeframes, sit in Model Building Regulations; and the technical code is applied through those regulations. Victoria follows the same Act-and-regulations design, so its greater length largely reflects the accumulation of amendment rather than a different method.

Four institutions, one safety net



Every duty has a home: an institution, a record, an enforcement path and a remedy

ecosystem · the Model Act's four institutions and the Part 6 safety net

What the Model Act adds: prevention first

The Model Act carries the core of the 1990s reforms, then adds six features drawn from thirty years of international experience, including combustible cladding, high-rise fire risk and product failures. Like Victoria's Act, it requires mandatory inspections. Unlike

Victoria's Act, it calibrates those mandatory inspections to the consequence classification of the building: more for high-consequence buildings, fewer for low-consequence work (s 4.23).

Feature	What the Model Act requires	Where
Risk as the spine	Consequence-of-failure tiers, overlaid on the code's building classes, scale permit scrutiny and mandatory inspections	ss 4.5, 4.23
Product responsibility	A non-delegable duty from designer to installer; use bans by public notice; certification of high-risk products	Part 3
Joint final inspection	Owner, builder, engineer, architect and building official on site together before occupancy of medium and high-risk buildings	s 4.24
Independent peer review	Experts appointed for complex projects, costs recovered from the owner or builder	s 2.4
The golden thread	A fire safety strategy or safety case at permit, a building manual at occupancy, and a council digital building record	ss 4.5, 4.27, 4.33
Duty to maintain	The owner's maintenance duty in the Act itself, reaching building and owners corporation managers	s 4.32

The joint final inspection is the one provision that did not come from Victoria. It was informed by Kim's World Bank work in China, including a 2019 Beijing conference co-hosted with China's Ministry of Finance. A lone certifier can be a single point of failure; joint inspection makes every key actor confront the completed work together, at the most consequential checkpoint in construction.

Victoria today: once aggregated, now disaggregated

In 1993 the Building Act aggregated building control into a single statute. Thirty-three years later it is disaggregated: two principal Acts, the Building Act 1993 and the Building and Plumbing Administration and Enforcement Act 2026, which takes administration and enforcement into a second statute once it commences. Victoria already has one

responsible minister and a single technical code, the National Construction Code, applied through its regulations. International good practice completes the trio: one minister, one Act, one code.

What 33 years confirm

Victoria's Act has tested, and the Model Act confirms, six enduring pillars: a ten-year liability cap running from the occupancy permit; mandatory registration of practitioners; compulsory insurance tied to registration; registration of all the relevant actors; proportionate liability, first enacted in Australia by Victoria; and mandatory inspections at prescribed stages by the relevant building surveyor.

The 2025–27 reform wave

Date	Change
By 1 December 2027	Building and Plumbing Administration and Enforcement Act commences; the Commission is legally established
1 July 2026	Home Warranty Scheme replaces Domestic Building Insurance for new contracts
19 May 2026	Administration and Enforcement Act and Cladding Safety Victoria Repeal Act receive royal assent
1 July 2025	The Victorian Building Authority begins trading as the Building and Plumbing Commission
3 June 2025	Building Legislation Amendment (Buyer Protections) Act receives royal assent: developer bonds, rectification orders, a new warranty scheme. It is an amending Act, not a third principal Act: its changes are written into the Building Act 1993 and related Acts

Add-ons the Model Act deliberately left out

The IBQC considered mechanisms such as developer bonds, a state-run warranty scheme and an ever-larger enforcement apparatus, and did not adopt them. They are costly to administer and fund, their long-term sustainability is unproven, and they treat failure after

occupancy. We respect the reality that governments are often fiscally challenged. It is one thing to introduce a scheme, another for it to last; the Model Act develops only what is realistically sustainable, and prevents failure upstream through an independent regulator and impartial building officials.

The key difference: anticipatory reform, or reactive reform

The contextual and circumstantial drivers of the two Acts are entirely different. The difference is not that one is international and the other merely local: Victoria's 1993 Act was itself born of the 1991 model's international comparative work, its ten-year long-stop adapted from the French *décennale*. The difference is what happened next.

The Model Building Act was not born of a crisis. Like the 1991 national model, which arose from cooperative federalism and microeconomic reform to make one market of eight, it is anticipatory reform. It was prepared by a coalition of senior regulators, jurists, engineers and academics from many jurisdictions, is not wedded to any one jurisdiction's local politics, and is offered for adaptation, not transplantation.

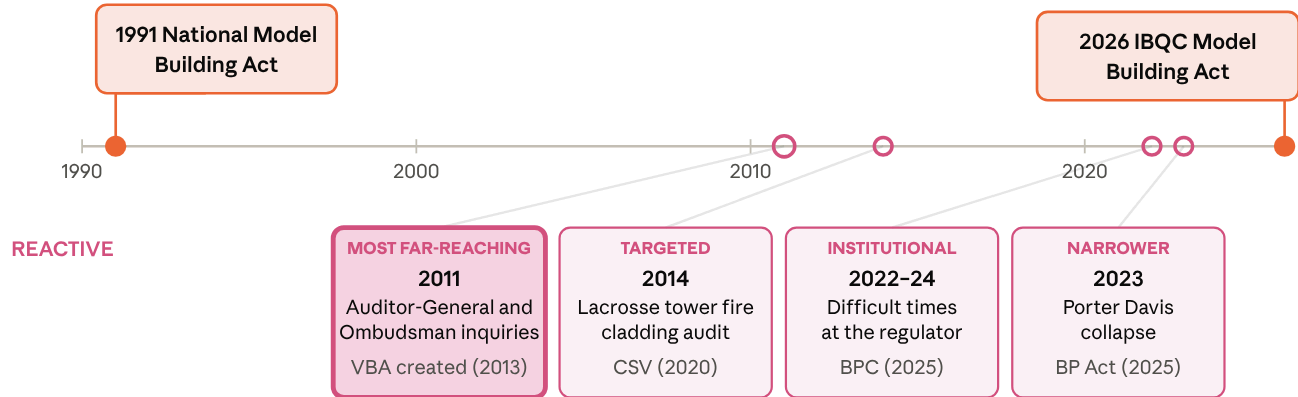
Victoria's reform has been largely reactive, each major change following a crisis or an inquiry. The episodes differ greatly in scale:

- **2011, the most far-reaching:** the Victorian Auditor-General found that 96% of 401 building permits examined did not comply with minimum statutory building and safety standards, and that the Building Commission could not show the permit system was working. An Ombudsman investigation of the Building Commission followed in 2012, and in 2013 the Commission was replaced by the Victorian Building Authority: a structural overhaul of the regulator.
- **2014:** the Lacrosse tower fire in Docklands led to Australia's first cladding audit, a cladding taskforce in 2017 and Cladding Safety Victoria in 2020: a targeted programme rather than a new architecture.
- **2022–24:** difficult times at the regulator itself, after which it was re-formed as the Building and Plumbing Commission in 2025.
- **2023:** the collapse of builder Porter Davis was significant for the many homebuyers affected, if not a systemic failure on the scale of 2011. It sharpened the case for the Buyer Protections Act 2025 and the Home Warranty Scheme of 2026.

Two of these were failures in the market and two were failures of the regulator itself. Both kinds drove reactive reform. The Model Act's own Foreword names the risk: "systemic building failures are commonly associated with fragmented regulatory arrangements".

Anticipatory reform above the line; reactive reform below, by scale

PROACTIVE



Heavier box: larger reform. Two market failures (2014, 2023); two failures of the regulator (2011, 2022-24)

philosophy · two anticipatory models against four reactive episodes

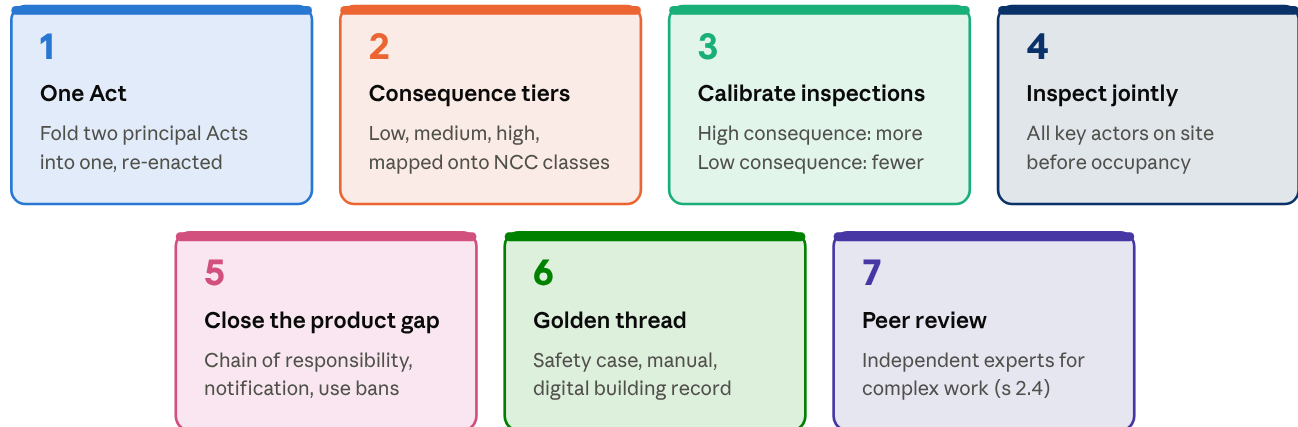
Seven moves for Victoria

If reactive reform has scattered Victoria's building control, the remedy is to rebuild on a coherent architecture, prevention first: get it right before occupancy, rather than pay for it afterwards.

- 1. One Act:** Victoria already has one minister and a single code applied through its regulations. The missing piece is one principal Act: fold the Administration and Enforcement Act back in and re-enact three decades of amendments as a single, coherent statute, so the next reform amends one Act rather than adding another.
- 2. Overlay consequence tiers:** the NCC classifies buildings by use, and that remains the code's job; it already applies consequence of failure through importance levels for structural design. Victoria's Act would add a regulatory tier of low, medium and high consequence, mapped onto the NCC classes, to set the intensity of oversight.
- 3. Calibrate mandatory inspections:** tie the mandatory inspection stages to that tier, with more mandatory inspections for high-consequence buildings and fewer for low-consequence work.
- 4. Inspect jointly:** a joint final inspection for medium and high-risk buildings.
- 5. Close the product gap:** a chain-of-responsibility duty, a duty to notify, and use bans for unsafe products.
- 6. Build the golden thread:** a safety case, a building manual and a council digital building record.

7. Peer review complex work: independent expert review of complex projects, with costs recovered from the owner or builder (s 2.4). Victoria already bars a builder from appointing the private building surveyor on major domestic contracts; independent peer review is the layer of scrutiny it does not yet have.

Seven moves for Victoria, drawn from the Model Act



Prevention first: get it right before occupancy, rather than pay for it afterwards

roadmap · seven moves at a glance

What it means for municipal building surveyors

Under the Model Act, the building official is a registered building surveyor employed, not engaged: by the Building Authority or a council (s 2.5). The building official issues building and occupancy permits (s 2.6), carries out the mandatory inspections set by risk class (s 4.23), and convenes the joint final inspection with the owner, builder, engineer and architect (s 4.24). Councils keep a digital building record for every building (s 4.33), and may audit building sites with the cost recovered from the builder (s 8.10).

What others say about the Model Act

"a reference and compass for British law reform" **Dame Judith Hackitt DBE**, Chair, Independent Review of Building Regulations and Fire Safety · IBQC-CIOB global conference, 2026

"best in class" **Dr Victoria Hills**, Chief Executive, Chartered Institute of Building · IBQC-CIOB global conference, 2026

"This model Building Act framework would be a great resource to look into for countries who are on the journey of building regulatory reforms!" **Keiko Sakoda**, Senior Disaster Risk Management Specialist, World Bank · LinkedIn, 2026

"one of the more practical 'whole-of-system' blueprints I've seen" **Jayashree Srinivasan**, Regulatory Specialist, World Bank · LinkedIn, 2026

"it gives jurisdictions — particularly emerging economies — a credible blueprint for law reform." **Alejandro Espinosa-Wang**, Senior Economist, World Bank · LinkedIn, 2026

"This new model building act is an excellent resource for developing countries looking to update their regulatory framework." **Dr Robert Guild**, Team Leader, PRIF Coordination Office · LinkedIn, 2026

These are personal, professional observations, not institutional endorsements.

A template, not a mandate

Victoria wrote the first chapter in 1993. The Model Building Act shows what the next one could look like. Its authority comes not from compulsion but from being coherent, practical and useful enough that reformers find it hard to ignore.

Victoria has already shown it will legislate boldly. The opportunity now is to consolidate around a clear architecture: anticipatory rather than reactive, prevention before redress, and impartiality designed in rather than policed after the event.

About the authors

Adjunct Professor Kim Lovegrove HonD.Litt (WSU), FRSN, MSE, RML is Chair of the Board of the International Building Quality Centre and founder of Lovegrove & Cotton Construction & Planning Lawyers. He was Project Director of Australia's National Model Building Act (1991) and, as Assistant Director of Building Control, principal legal adviser to the Victorian Government and instructing officer to Parliamentary Counsel on the Building Act 1993. He later chaired the Building Practitioners Board the Act created. He was law reform consultant to the NSW Government on its 1997 reforms, a senior law

reform consultant to the World Bank on building regulation in Mumbai, Shanghai, Beijing, Chongqing and Malawi, and an adviser to New Zealand's Ministry of Business, Innovation and Employment on proportionate liability and insurance design. He is the policy architect of the 2026 IBQC Model Building Act. He is a Visiting Professor at RMIT and an Adjunct Professor at the University of Canberra, Western Sydney University and Southern Cross University.

Adjunct Fellow Tsigereda Lovegrove LLB is a Board Member of the International Building Quality Centre and Secretary of its Dispute Resolution Working Coalition, an Adjunct Fellow of Southern Cross University, and a construction lawyer and manager at Lovegrove & Cotton, which she leads with Justin Cotton. She advises building surveyors, builders, developers, property owners and owners corporations on construction law, regulatory compliance, planning, contractual risk allocation and dispute resolution, and regularly guides practitioners through building regulation and regulatory risk. She holds an LLB from Victoria University, a Diploma in Management and a Diploma in Legal Training from the Leo Cussen Centre for Law, and is a past member of the Victorian Building Disputes Practitioners Society.

About Lovegrove & Cotton

Established in Melbourne in 1993, the year the Building Act was enacted, Lovegrove & Cotton is one of Victoria's oldest dedicated construction and planning law firms, with offices in Melbourne and Sydney. Over the years the firm has acted for many local councils in building regulatory enforcement, interpretation and advice, and works alongside municipal and private building surveyors, governments, statutory authorities, builders, engineers, architects and owners corporations across regulatory, planning, advocacy and construction matters. Its international work includes building regulatory reform projects with the World Bank and the governments of New Zealand, Japan and Malawi. Lovegrove & Cotton is a Silver Sponsor of the VMBSG Annual State Conference 2026.

Sources

- [IBQC, The Model Building Act \(February 2026\)](#)
- [Building Act 1993 \(Vic\), version history, Victorian Legislation](#)
- [Lovegrove & Cotton, A 35-Year Reform Continuum](#)

- [Lovegrove & Cotton, IBQC Model Act – Victorian Building Act – Similar Doctrinal Architecture](#)
- [Lovegrove & Cotton, The Story Behind 2 Model Building Acts](#)
- [Lovegrove & Cotton, IBQC Model Building Act Reform Aide Memoire](#)
- [Lovegrove & Cotton, Proportionate Liability Reform in New Zealand](#)
- [Victorian Auditor-General, Compliance with Building Permits \(December 2011\)](#)
- [Victorian Premier, Taskforce to address cladding in Victoria \(3 July 2017\)](#)
- [Department of Transport and Planning, new building and plumbing legislation \(May 2026\)](#)
- [Victorian Government, Home Warranty Scheme](#)
- [NZ Building Performance \(MBIE\), Building Amendment Bill introduced to Parliament](#)

This article is general information only and does not constitute legal advice. The views expressed are the authors' own and not necessarily those of any institution with which they are associated.

Keywords: Building Act 1993 Victoria, IBQC Model Building Act, building regulation reform, building control, municipal building surveyors, proportionate liability, building law Australia.