

BOARD OF INQUIRY INTO THE MCCRAE LANDSLIDE

WITNESS STATEMENT OF JOHN FRANCIS SULLIVAN

I, John Francis Sullivan, of Level 19/242 Exhibition St, Melbourne VIC 3000, say as follows:

- 1 I am the Chief Governance Officer & Joint Executive Lead Regulatory Operations at the Building and Plumbing Commission (**the Commission**). I have held this position since July 2025.
- 2 The *Building Legislation Amendment (Buyer Protections) Act 2025* (Vic) (**Amendment Act**) commenced on 1 July 2025.¹ The purposes of the Amendment Act included:
 - (a) enhancing the Victorian Building Authority's (**VBA**) enforcement powers;²
 - (b) transferring the Domestic Building Insurance function of the Victorian Managed Insurance Authority (**VMIA**) to the VBA;³
 - (c) conferring statutory functions that had been administered by the Domestic Building Dispute Resolution Victoria (**DBDRV**) (within Consumer Affairs Victoria) to the VBA.⁴
- 3 The VBA still exists as a legal entity⁵ under the *Building Act 1993* (**Act**⁶). However, the VBA now trades as the Building and Plumbing Commission (**the Commission**). The practical effect of the Amendment Act was to bring together the VBA, the DBDRV and the Domestic Building Insurance function of the VMIA into one location.⁷ The VBA continues to exercise powers and functions conferred on the VBA by relevant legislation. A purpose of the creation of the Commission was the delivery of "stronger protections for Victorian

¹ This statement refers to the Authorised Version the Amendment Act (No. 17 of 2025).

² Amendment Act s 1(a)(v).

³ Amendment Act s 1(a)(ix).

⁴ Amendment Act s 1(a)(vi) and s 1(b)(i).

⁵ Act s 193 and s 194.

⁶ This statement refers to the [Authorised Version of the Act](#) (No. 126 of 1993) incorporating amendments as at 1 July 2025.

⁷ < <https://www.bpc.vic.gov.au> >

homeowners and [the creation of] a new one-stop shop to regulate Victoria's building and plumbing industries".⁸

- 4 In this statement, I will refer to the Commission when referring to the current organisation, and (where necessary) to the VBA when referring to either the exercise of statutory functions under relevant legislation, or to the organisation as it existed before 1 July 2025.
- 5 My responsibilities as Chief Governance Officer include overseeing all major components of governance within the Commission, influencing the maintenance and improvement of governance structures, processes and practice, authorising organisational compliance with legislative, regulatory and government policy requirements, liaising between the Commission and relevant stakeholders and leading internal reform processes. My responsibilities as Joint Executive Lead Regulatory Operations include executive management of the Licensing and Registration, Operational Excellence and Consumer and Practitioner Experience teams within the Regulatory Operations Division. The Licensing and Registration team manages the processes for the registration of building practitioners, including building surveyors, and the registration and licensing of plumbers.
- 6 Before working in this position, I worked as Chief Governance Officer of the VBA from December 2023 to July 2025. In this role, I carried out many of the same functions as in my current role, but with less emphasis on regulatory operations. Prior to this role, I was the Director, Governance of the VBA. In this role, I reformed Board and Executive governance processes and structures, improved government liaison arrangements, led the preparation of the VBA Annual Report, supported the Chief Commissioner and Board in relation to the independent inquiries, and oversaw the executive support function for the Building Regulation Advisory Committee.
- 7 Before my time at the VBA, I was in the role of Executive Director, Governance and Policy Co-ordination at the Country Fire Authority (CFA) from July 2019 to June 2021. Prior to this role, I worked as the Corporate Secretary and Director, Governance at the CFA from August 2017 to July 2019. Prior to these roles, I worked in various positions across the Department of Premier and Cabinet, the Office of Training and Tertiary Education and the Department of Education and Training.

⁸ Published statement from Anna Cronin, Chief Executive Officer and Chief Commissioner, Victorian Building Authority, 24 October 2024 < <https://www.vba.vic.gov.au/news/news/2024/a-new-regulator-with-new-powers-and-the-publication-of-an-independent-report> >

- 8 I hold a Master's Degree in Philosophy from Monash University.
- 9 I make this witness statement in response to the “Fourth request to produce witness statement” from the Board of Inquiry dated 7 July 2025, addressing the “Fourth List of Questions for the State of Victoria”. I answer each of the questions in my witness statement below. I have also read the Terms of Reference for the Inquiry.
- 10 I am authorised to make this witness statement for and on behalf of **the State** of Victoria (and the VBA). I make this statement based on my own knowledge, unless otherwise stated. Where I make a statement based on information provided to me, I believe that information to be true and correct. In preparing my witness statement, some of the matters identified below are based on information that has been generated at my request from individuals within VBA and from available records and data held by VBA.

A.1 Question 1

- 11 I have read question 1 in the “Fourth List of Questions”, which is:

Q1. Provide a detailed description of any landslide-specific training and / or minimum knowledge requirements that building surveyors (both Municipal Building Surveyors and private building surveyors) must demonstrate to gain registration from the Victorian Building Authority (VBA).

- 12 In response to **Question 1**, I say as follows.
- 13 Building surveyors are not required to undergo any landslide-specific training, or fulfil any landslide-specific minimum knowledge requirements, to gain registration from the VBA. In practice, completion of the prescribed qualifications will require building surveyors to undertake a unit focused on geotechnical analysis. Such units are aimed at providing only a base level of understanding, noting that geotechnical engineering is a specialised field of engineering and a profession in its own right. I describe the qualification process for registered building surveyors in more detail below.

A.1.1 The process for registration

- 14 The process for the registration of building surveyors in Victoria is prescribed by the relevant legislation and regulations, namely the **Act** and the *Building Regulations 2018* (Vic) (**Regulations**⁹).
- 15 Under s 171(1)(a)(i) & (ii) of the Act, the VBA must register an applicant as a “building practitioner” (which is defined to include a “builder surveyor”¹⁰) if they hold a prescribed qualification and have the prescribed experience, or if they can demonstrate an equivalent level of knowledge and experience.
- 16 Under regulation 258(1) and s 9 in Sch 9 of the Regulations, the prescribed qualifications and experience for registration in the class of building surveyor (unlimited) are:
 - (a) the successful completion of a Bachelor of Building Surveying from either the Holmesglen Institute (s 9(a)(i)) or Victoria University (s 9(a)(ii)); and
 - (b) at least 3 years of practical experience (s 9(b)).
- 17 Under regulation 258(1) and s 10 of Sch 9 of the Regulations, the prescribed qualifications and experience for registration in the class of building surveyor (limited) are:
 - (a) the successful completion of a Bachelor of Building Surveying from either the Holmesglen Institute (s 10(a)(i)) or Victoria University (s 10(a)(ii)), or an advanced diploma of building surveying (CPC60115) from a registered training organisation (s 10(a)(iii)); and
 - (b) at least 2 years of practical experience (s 10(b)).
- 18 Under Sch 10 of the Regulations, a building surveyor (unlimited) is authorised to carry out any functions conferred on a building surveyor under the Act and Regulations, for all classes of building of unlimited height or floor area. A building surveyor (limited) is only authorised to carry out those functions for all classes of building up to three storeys in height with a maximum floor area of 2000m². A building surveyor (limited) cannot be appointed as a municipal building surveyor under s 213, except where acting under an instrument of delegation pursuant to s 216B.

⁹ This Statement refers to the Authorised Version of the Regulations (No. 027; SR No. 38/2018).

¹⁰ Act s 3(1).

- 19 Alternatively, building surveyors registered in other states may be registered in Victoria via mutual recognition, in accordance with the *Mutual Recognition Act 1992* (Cth). The mutual recognition process involves an assessment of a building surveyor's class(es) of registration and any conditions on their registration in their home state. Based on this assessment, an applicant is then registered in Victoria in an appropriate class and with relevant conditions. Building Surveyor registrations under Automatic Mutual Recognition (**AMR**) are exempt in Victoria until further notice. However, if this exemption were to be lifted, it would allow a building surveyor with an occupational registration or licence from participating jurisdictions in the AMR scheme to use their home state registration or licence in Victoria upon notification of their intention to work in Victoria. The effect of this is that they would not be registered in Victoria, but could work in Victoria by reason of their home state registration.
- 20 The process for registration under the Act includes:
- (a) a completeness check of documentation provided by the applicant, which must include the information prescribed by reg 254 of the Regulations;
 - (b) probity checks, as required by s 171D and s 171E of the Act;
 - (c) a desktop assessment of the information provided by the applicant against the class of registration sought, including a check of the applicant's current registrations and technical referees;
 - (d) a check of the applicant's membership of either the Australian Institute of Building Surveyors or the Royal Institution of Chartered Surveyors (as part of determining whether the applicant has the required knowledge and experience);
 - (e) an interview by an assessor as to whether the applicant has the required knowledge and experience; and
 - (f) a recommendation of the applicant by the assessor to the Registrar.

A.1.2 Minimum knowledge requirements

- 21 In this section, information pertaining to the requirements of the National Construction Code (**Code**) and to Erosion Management Overlays (**EMO**) has been provided to me and confirmed by the Victorian State Building Surveyor, Mr Steven Baxas.

- 22 While there are no specifically prescribed minimum knowledge requirements, the registration process assesses whether applicants have the skills and knowledge, through their education and practical experience, to ensure that buildings comply with the Code, including provisions relating to landslip. I am informed by the State's legal representative that the State's Further Response to the Inquiry dated 2 May 2025 provides further details about the application of the Code under the Act and the Regulations at [21]-[24], **Section C.6.2** (Erosion management – building) (at [32]-[34]) and **Section C.6.3** (Stormwater management – building) (at [35] and [37]).
- 23 A building surveyor must have proficiency in understanding the effect of actions (or loads) that are applied to a building. Part B1 of Vol 1 of the Code is titled “Structural provisions”. Clause B1P1 sets out the performance requirements for structural reliability. One of the actions a building surveyor must consider in assessing whether a building meets the structural reliability performance requirement is ground movement, including ground movement caused by “landslip or subsidence” (cl B1P1(2)(m)). The same requirement is contained in Vol 2 for Class 1 and 10 buildings (cl H1P1(2)(m)). A building surveyor may also need to consider ground movement caused by landslip or subsidence in assessing any deemed-to-satisfy solution (cl B1D1(e)(viii)(B)).
- 24 These provisions of the Code mean that building surveyors need to have a minimum level of geotechnical knowledge. Structural training is included in the prescribed academic qualifications, with most having a unit (or part of a unit) on geotechnical analysis. As stated above, these units are aimed at providing only a base level of geotechnical understanding, given that geotechnical engineering is a distinct field of engineering that is a profession in its own right.
- 25 In practice, a building surveyor would rely on the existence of an EMO in a local planning scheme to help identify the relevant land as having a landslide or subsidence risk.
- 26 EMOs are typically shown on the planning scheme map as **EMO** with a number. The purpose of this inclusion in the planning scheme is to protect areas prone to erosion, landslip, other land degradation or coastal processes by minimising land disturbance and inappropriate development. In circumstances where land is affected by an EMO, a planning permit is required to construct a building or construct or carry out works.
- 27 The building surveyor would then also be responsible for ensuring that the proposed building complies with the requirements of the Act, Regulations and Code which relate to the EMO.

- 28 For completeness, there is a *Code of Conduct for Building Surveyors in Victoria* (June 2020; **VBA.0001.0001.0233**) (**Code of Conduct**) that has been approved under Div 2 of Part 11 of the Act.¹¹ Principle 3 of the Code of Conduct requires that “[a] building surveyor must have suitable skills, knowledge, experience and competence to provide building surveying services to a professional standard”. At cl 3.1, it is stated that:

To meet this principle, you must:

3.1 Ensure that you do not perform any work that is outside your area of expertise or experience unless under the direct supervision of a building surveyor who holds the required expertise or experience.

There are then inclusive standards as to how a building surveyor is to meet principle 3, at [3.1.1] to [3.1.5], which includes an example of performing work outside of a building surveyor’s area of expertise or experience.

A.2 Question 2

- 29 I have read question 2 in the “Fourth List of Questions”, which is:

Q2. If there are presently no landslide-specific training and / or minimum knowledge requirements, confirm if the VBA is planning to introduce such requirements.

- 30 In response to the **Question 2**, my response is “No”. The VBA is not planning to introduce any landslide-specific training for prospective building surveyors.

A.3 Question 3

- 31 I have read question 3 in the “Fourth List of Questions”, which is:

Q3. If the answer to Question 2 is yes, provide:

a. a detailed description of the landslide-specific training and / or minimum knowledge requirements the VBA intends to introduce; and

b. the anticipated timeline for the introduction of these requirements.

- 32 Please see my answers to **Question 1** and **Question 2** above.

¹¹ Section 177(1) of the Act provides: “The [VBA] may approve codes of conduct for building practitioners in accordance with this Division”.

A.4 Question 4

33 I have read question 4 in the “Fourth List of Questions”, which is:

Q4. If the answer to Question 2 is no, please explain why the VBA does not intend to introduce landslide-specific training or minimum knowledge requirements for building surveyors.

34 In response to **Question 4**, I say as follows.

35 As I have said in response to Question 1, the VBA must register applicants for registration as a building surveyor who meet the requirements prescribed in the Act and Regulations. The Act requires that applicants hold a prescribed (or equivalent) qualification. The extent of landslide-specific training within the prescribed qualifications is a matter for education providers. The VBA has no direct control over the educational frameworks or the specific content for each qualification as is delivered by education providers. However, the State Building Surveyor is currently involved in the design and content development of new undergraduate, postgraduate and Masters courses for building surveyors at RMIT.

36 Given that there are multiple pathways for registration in Victoria, including mutual recognition (and, if the exemption were lifted, AMR) of building surveyors who obtained qualifications in other states and territories, the introduction of landslip-specific training would need to be co-ordinated at a national level in order to cover all building surveyors. Further, in response to recommendations in the *Building Confidence Report* (February 2018; **VBA.0001.0001.0182**) commissioned by state and territory building ministers, the Australian Building Codes Board has established a model *National Registration Framework* (**VBA.0001.0001.0001**) for various professions in the construction industry, including building surveyors and geotechnical engineers. Victoria has yet to adopt this framework. Any changes in training should be aligned with this framework.

37 I add the following matters.

38 First, and as I have said in response to **Question 2**, building surveyors are required to obtain the necessary knowledge and experience to ensure that buildings comply with the Code (most relevantly, including where there is an EMO).

39 Secondly, landslide effects are a small component of the broader understanding and knowledge base acquired in geotechnical engineering. Geotechnical engineers have this

knowledge base and skill set. A building surveyor should have sufficient knowledge to identify a potential issue (in the case of a landslip risk, this would be identified through an EMO or other information contained in a geotechnical report) and to understand when to consult or bring in a structural engineer and/or a geotechnical engineer.

- 40 Thirdly, before issuing a building permit, a building surveyor is already required to ensure that any proposed building work complies with the Act and Regulations, and that any relevant planning permit or other prescribed approval has already been obtained. The existence of an EMO would trigger the need to ensure that a proposed building is designed to resist the action of ground movement caused by landslip or subsidence.

21 July 2025

Irrelevant & Sensitive

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