

# Australia: Bankstown fire points to safety de-regulation

Mark Church, Mike Head  
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The tragic fire that claimed the life of a young Chinese student and seriously injured her friend in a 10-storey apartment building in the Sydney suburb of Bankstown on September 6 has raised critical questions about the de-regulation of fire safety and other standards in the building industry over the past two decades.

The most obvious issue is that the Building Code of Australia, which is the joint responsibility of the federal and state governments, does not require fire sprinklers in buildings less than 25 metres high, even though—as in this case—they may be home to hundreds of residents.

But further investigation by the WSWs has unearthed serious concerns about the entire system of “private certification” and “self certification” that allowed the Euro Terraces building to be certified as fit and safe for occupation.

Successive governments, Labor and Liberal alike, have subordinated the safety of working class residents, and their right to decent, affordable housing, to the private profit interests of property developers and construction companies.

Residents of the Euro Terraces apartment complex have reported numerous fire safety concerns, including faulty fire alarms and poor fire doors. In addition, a roof over the building’s central atrium trapped the thick black smoke from the fire, endangering the lives of other residents seeking to escape the blaze.

The building certifier who had checked the construction told the media that he had not approved the roof. Later, it was revealed that he had been prohibited from issuing fire safety certifications following two reprimands by the New South Wales (NSW) Building Professionals Board.

Private certification was introduced in NSW in 1998, as part of a push by the then state Labor government to fast-track the operations of major developers and building companies. Previously, municipal council inspectors were responsible for certifying development proposals and completions. Under the

revised regime, developers and builders can employ their own certifiers.

Despite a series of official reports warning of increasing fire safety compliance failures, the number of private certifications, which are then formally approved by municipal councils, has soared over the past decade.

Across NSW, the proportion of privately-certified construction certificates, which authorise the commencement of building work, rose from 22 percent in 2003-04 to 41 percent in 2009-10. For compliance certificates, covering the completion of construction, the proportion was even higher—58 percent by 2010-11, representing contracts to the value of \$2.4 billion.

Former Premier Bob Carr’s Labor state government introduced private certification, in line with the demands of the developers, to speed up the approval processes, undermine the role of council inspectors and cut costs associated with property development.

Two years earlier, in 1996, the federal Keating Labor government had presided over equally far-reaching changes to the Building Code of Australia (BCA), turning it into a “performance”-based review. Previous building legislation had specified standards, governing such things as how a building should be constructed and what materials were permissible. Instead, the BCA now contains vague “qualitative” guidelines, such as, “a room or space must be of a height that does not unduly interfere with its intended function.”

The BCA also permits “alternative solutions,” giving developers and builders even greater flexibility—they can sidestep code requirements by proposing cheaper or easier “solutions”, even for fire safety measures. In 1998, the NSW government then gave private certifiers the power to sign off on these variations and “alternative solutions”.

Safety concerns soon emerged. In 2002, a NSW parliamentary committee was told that “incidences of poor fire safety compliance in buildings is increasing.” The committee’s

*Report on the Quality of Buildings* cited submissions from surveyors and building consultants that certifiers had allowed developers to “produce cost savings” by removing or reducing backup fire safety systems.

“Practitioners, consumers and Councils all regard this as an extremely serious issue,” the report noted. The inadequacy of fire safety standards was “obviously of greater significance” in large apartment buildings, “because of the number of people living in the one complex.” Councils called for the abolition of the system of private certifiers.

Nevertheless, the committee, chaired by Labor MP David Campbell, recommended the retention of the system, with limited modifications. For example, it said certifiers should be hired by building owners, not builders—but these owners could be developers. In effect, the Campbell report gave the green light for the subsequent explosion in the use of private certifiers.

As a result of the inquiry, the state Labor government established the Building Professions Board, designed to simplify, under one administration, the processes for accrediting certifiers. This reflected the thrust of the committee’s report, which in chairman Campbell’s words, sought to “simplify the overall operation of the industry.”

In March 2011, after 16 years in office in NSW, implementing a pro-business program against the working class, the Labor Party was defeated in an historic landslide. One factor in the hostility of working people was Labor’s notorious links with developers, who donated at least \$13 million to the party between 1998 and 2008. These connections were partly exposed in a 2008 corruption investigation into the Labor-dominated Wollongong Council, which uncovered a web of backroom deals between councillors and developers (see: “Australia: NSW Labor embroiled in corruption scandal”).

The Liberal-National Coalition of Premier Barry O’Farrell exploited the corruption revelations, claiming it would clean up the industry. Far from reducing the role of private certifiers, however, the O’Farrell government has moved to expand it. In July, the government issued a “planning reform” green paper, seeking to “speed up approvals” by “extending the development types that can be approved by accredited certifiers.” The green paper also proposes “increasing the range of development types that are to be exempt from any approval.”

Planning Minister Brad Hazzard stated: “The new planning system must support the government’s priority to facilitate NSW being the number one choice for business investment.” This would involve “removing the red tape from development assessment.”

Compounding the dangers of private certification is a parallel system of “self-certification,” whereby fire safety equipment manufacturers, installers and maintenance contractors can certify their own components and work. After fire protection industry groups raised concerns about a proliferation of “sub-standard work”, the previous Labor government set up another inquiry, the Fire Protection Systems Working Party, in 2005.

That inquiry’s final report, finally tabled in state parliament by the O’Farrell government last November, also largely rubberstamped the system, making only limited suggestions for tightening the approval processes, and proposing further reviews.

All the ingredients that played a part in the Bankstown tragedy—poor standards, inspection, certification and maintenance—are being increasingly replicated, potentially endangering thousands of lives. The pro-developer regime created by both Labor and Liberal governments is part of an urban consolidation strategy that will see more than a million extra people living in apartments in Sydney over the next 25 years, taking the total to about 3 million by 2030.

According to a 2008 urban planning research report, one of the two dominant “sub-markets” in this strategy is “a lower income rental market concentrated in low value town centres in suburban areas.” Such is the contempt with which property developers, construction companies and successive governments treat areas like Bankstown, and the working people, immigrants and students who live in them. These residents are simply seen as easy targets for making quick profits, with complete indifference toward their lives and safety.

The WSWS and the Socialist Equality Party will continue to investigate the Bankstown fire, and support the residents in demanding answers to the life-and-death questions posed by the tragedy. Only when society is completely reorganised on a socialist basis, to meet the pressing social needs of the vast majority, not the profits of the wealthy few, can ordinary people be guaranteed the fundamental right to safe, high quality and affordable housing.



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