

OFFICIAL

# Strathbogie Shire Council Municipal Building Control Intervention Policy

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September 2022



## Contents

Municipal Building Control Intervention Policy .....	3
PART 1 POLICY .....	3
1. PURPOSE .....	3
2. POLICY STATEMENT.....	3
3. APPLICATION OF THIS POLICY .....	4
4. ACCOUNTABILTY AND RESPONSIBILITIES .....	4
5. DEFINITIONS .....	4
6. RELATED POLICIES AND LEGISLATION.....	5
7. POLICY REVIEW .....	5
8. EQUAL OPPORTUNITY.....	5
PART 2 GUIDELINES .....	6
9. BUILDING CONTROL INTERVENTION FILTER CRITERIA .....	7
10. SUPPORTIVE LETTERS .....	10

# Municipal Building Control Intervention Policy

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Responsible Officer:	Manager Community Safety

## PART 1 POLICY

### 1. PURPOSE

To set policy as to:

- (1) how and when Council and its Municipal Building Surveyor will respond to building control matters where a private building surveyor has been appointed and is responsible to carry out functions under the Act, and
- (2) when matters will be referred to the Victorian Building Authority and/or Building Practitioners Board for their administration and enforcement of the *Building Act 1993*.

### 2. POLICY STATEMENT

Objectives:

- To direct matters/complaints to appropriate bodies.
- To manage risk and provide accountability in building control .
- To reduce unnecessary Council liability.
- To provide consistency and transparency of Council's approach in the administration and enforcement of the Building Act.
- To deter wayward practitioners by threat of referral to the Building Practitioners Board and/or Victorian Building Authority for disciplinary or directive actions.

### 3. APPLICATION OF THIS POLICY

- 3.1 When a complaint is received the Municipal Building Surveyor will use the Building Control Filter Criteria ('the Filter Criteria'), as set out in the Municipal Building Control Intervention Guidelines, to determine when to intervene using the powers under the Building Act. The filter uses a risk assessment matrix to classify the method of response based on the level of risk to life and property.
- 3.2 The filter criteria provides for a range of actions - from immediate action by the Municipal Building Surveyor and referral of the matter to the relevant building surveyor (for him or her to attend to the matter).
- 3.3 Where there may be unprofessional conduct or failure to comply with the Act or Regulations, by any building practitioner, these may be referred to the Building Practitioners Board or the Victorian Building Authority for supervision, direction and/or discipline.

### 4. ACCOUNTABILITY AND RESPONSIBILITIES

Role	Responsibilities
Deputy Municipal Building Surveyor	To administer the relevant provisions of the <i>Building Act 1993</i> and the <i>Building Regulations 2018</i>
Municipal Building Surveyor	To administer the relevant provisions of the <i>Building Act 1993</i> and the <i>Building Regulations 2018</i>

### 5. DEFINITIONS

Term	Meaning
Council	means the Strathbogie Shire Council
Deputy Municipal Building Surveyor (DMBS)	means the officer appointed by Council under the <i>Local Government Act 1989</i>
Municipal Building Surveyor (MBS)	means the officer appointed by Council under the <i>Local Government Act 1989</i>
Private Building Surveyor (PBS)	means Private Building Surveyor

## 6. RELATED POLICIES AND LEGISLATION

The following Council, State, regional and national plans and policies are relevant to this policy under each subtitle:

Building Act 1993 <https://www.legislation.vic.gov.au/in-force/acts/building-act-1993/133>

Building Regulations 2018 <https://www.legislation.vic.gov.au/in-force/statutory-rules/building-regulations-2018/016>

Municipal Building Control Intervention Guidelines (attached as Part 2 to this document) <https://magiq.edrms/docs/~D369580?Login=True>

## 7. POLICY REVIEW

Council may review this policy at any time and at least two years from the date of adoption.

Minor amendments to the policy may be authorised by the CEO at any time where such changes do not alter the substance of the policy (e.g. a change to the name of a related document, or a change in legislation).

## 8. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 AND THE EQUAL OPPORTUNITY ACT 2010

The Council acknowledges the legal responsibility to comply with the *Charter of Human Rights and Responsibilities Act 2006* and the *Equal Opportunity Act 2010*. The *Charter of Human Rights and Responsibilities Act 2006* is designed to protect the fundamental rights and freedoms of citizens. The Charter gives legal protection to 20 fundamental human rights under four key values that include freedom, respect, equality and dignity.

## **PART 2 Guidelines**

### **ASSOCIATED WITH MUNICIPAL BUILDING CONTROL INTERVENTION POLICY**

For Council's Administration and Enforcement of:

Parts 3,4,5,7 & 8 of the *Building Act 1993* and Building Regulations 2006 in circumstances where a private building surveyor has been appointed to carry out functions

#### **Municipal Building Control Intervention Policy Summary**

When a complaint is received the Municipal Building Surveyor will use the Building Control Filter Criteria ('the Filter Criteria'), as set out in the Municipal Building Control Intervention Guidelines, to determine when to intervene using the powers under the Building Act. The filter uses a risk assessment matrix to classify the method of response based on the level of risk to life and property.

The filter criteria provides for a range of actions - from immediate action by the Municipal Building Surveyor and referral of the matter to the relevant building surveyor (for him or her to attend to the matter).

Where there may be unprofessional conduct or failure to comply with the Act or Regulations, by any building practitioner, these may be referred to the Building Practitioners Board or the Victorian Building Authority for supervision, direction and/or discipline.

**9. BUILDING CONTROL INTERVENTION FILTER CRITERIA**

**STEP 1 - Determine The Possible Consequences Of The Matter Being Complained Of:**

Table E1 Qualitative measures of consequence and impact

<b>Level</b>	<b>Descriptor</b>	<b>Example detail description</b>
<b>1</b>	Insignificant	No injuries, low financial loss, no detriment to health, no damage to property, siting
<b>2</b>	Minor	Injury (self-treatable e.g. minor cuts or abrasions), medium financial loss, minimal detriment to health, minor damage to property.
<b>3</b>	Moderate	Injury (medical treatment required by other), high financial loss, moderate detriment to health, moderate damage to property.
<b>4</b>	Major	Serious non-permanent injury, major financial loss, major detriment to health, major damage to property.
<b>5</b>	Catastrophic	Permanent injury or death, huge financial loss, irreparable damage to property.

**STEP 2 - Determine The Likelihood Of The Event In Step 1 Occurring**

Table E2 Qualitative measures of likelihood

<b>Level</b>	<b>Descriptor</b>	<b>Description</b>
<b>A</b>	Almost certain	Is expected to occur in most circumstances
<b>B</b>	Likely	Will probably occur in most circumstances
<b>C</b>	Possible	Might occur some time
<b>D</b>	Unlikely	Could occur at some time
<b>E</b>	Rare	May occur only in exceptional circumstances

**STEP 3 - Locate The Issue On The Risk Matrix By Comparing The Likelihood To The Consequence**

Table E3 Qualitative risk analysis matrix - level of risk

Likelihood	Consequences				
	Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
<b>A (almost certain)</b>	M	M	E	E	E
<b>B (likely)</b>	M	M	H	E	E
<b>C (Possible)</b>	L	M	H	H	E
<b>D (unlikely)</b>	L	L	M	H	E
<b>E (rare)</b>	L	L	M	H	H

**STEP 4 - Identify Action To Be Taken #**

Table E4 Legend for Risk Analysis Matrix and Treatment

<b>E</b>	<b>Extreme Risk: Immediate action required</b>	Refer to PBS without delay*	Council/MBS takes immediate action to suitably reduce risk**	<p>If there is evidence of conduct by any building practitioner such that a funding under section 179(1) of the <i>Building Act 1993</i> could be made by the Building Practitioners Board the matter, with supporting evidence, may be referred to that Board for inquiry</p> <p>If there is suspicion that any practitioner has engaged in conduct that may amount to illegal conduct or conduct as set out in section 179(1) of the Act the matter may be referred to the Victorian Building Authority for investigation</p> <p>and</p> <p>If it is necessary to do so the proper administration of the Act, may refer the matter of RBS to the Building Authority for the exercise of its directive powers un S205M of the <i>Building Act 1993</i>.</p>
<b>H</b>	<b>High Risk: Attention needed in reasonable time</b>	Refer to PBS without delay*	Council/MBS takes action if PBS is not taking action to suitably reduce the risk within reasonable time	
<b>M</b>	<b>Moderate Risk: Treatment by PBS</b>	Refer to PBS without delay*	No other action by Council/MBS	
<b>L</b>	<b>Low Risk: Manage by referral</b>	Refer to PBS without delay*  Or  Refer complainant to PBS without delay	No other action by Council/MBS	



# When the MBS forms an opinion that an emergency order is required then these matters are automatically 'Extreme Risk' (see notes on emergency orders on next page)

\*Consider the privacy of the complainant when referring the matter to the PBS.

\*\* s89(1) The Victorian Building Authority, on the application of an owner or adjoining owner may declare that emergency protection work is required in respect of a particular adjoining property.

## **STEP 5 - Take The Action As Required By The Matrix**

### **Emergency Orders**

An emergency order may be issued pursuant to section 102, Division 1, Part 8 of the Building Act. Section 102 provides an MBS with the power to deal with urgent safety matters in a timely and efficient manner.

An emergency is not an essential condition for the issuing of an emergency order. However, the heading of Division 1, Part 8, "Emergencies", does give some guidance as to the context in which the words in that Division are to be interpreted.

An emergency order should be used where, in the circumstances described in section 102, the MBS forms the view that there is a danger to life or property. Typically, an emergency order should be issued where there is a sense of urgency in the situation and immediate action is warranted. It should be noted that a building notice under section 106 cannot compel the owner or occupier to take immediate action.

## 10. SUPPORTIVE LETTERS

### Letter - Referral of complainant to PBS - L-'Low Risk'

#### Option 1 Letter - Low Risk

[COUNCIL LETTERHEAD]

[Insert name of PBS]

[Insert address of PBS]

Dear

**Re:        Building work at [ insert address ]**

Council records disclose that you have accepted an appointment to carry out a private building surveyor's functions under Part 6 of the *Building Act 1993* in respect of the building/building work at the above address.

Information has been received by this office regarding [ insert details of complaint].

The above matter is considered to be within the scope of your appointment and you are the appropriate person to deal with this issue and any surrounding issues.

Having considered the Municipal Building Control Intervention Filter Criteria Policy that has been adopted by this Council, the Municipal Building Surveyor does not intend exercising powers under the Building Act which are equally available to you. If, after a reasonable time however, it becomes evident that you have not taken appropriate action, the details of this matter may be referred to the Building Practitioner's Board and/or the Victorian Building Authority.

Yours faithfully

Copy: Owner Copy: Complainant

(Consider the privacy of the complainant when referring the matter to the relevant building surveyor)

**Letter - Referral of complainant to PBS - L-'Low Risk'**

**Option 2 Letter - Low Risk**

[COUNCIL LETTERHEAD]

[Insert name of Complainant]

[Insert address of Complainant]

Dear

**Re: Building work at [ insert address ]**

I refer to your concerns regarding building work at the above site.

Council records disclose that a private building surveyor has been appointed in relation to that building work.

*The Building Act 1993* establishes a privatised system of ensuring compliance with the relevant legislation and codes. In circumstances such as this, where a private building surveyor has been appointed, it is that private building surveyor who has powers and responsibilities which enable and obligate them to deal with the matters raised by you. I recommend therefore that you raise your concerns directly with the private building surveyor relevant to this work. The private building surveyor's details are as follows:

[Insert name and contact details of the relevant private building surveyor]

\* I have also referred your concerns to the relevant private building surveyor for their action. A copy of that referral is enclosed. (\* optional paragraph if also referring to relevant private building surveyor)

The Building Practitioners Board is the professional regulating body in respect of all building practitioners including private building surveyors. The Victorian Building Authority also has powers to oversee private building surveyors.

Any future matters relating to the conduct, functions or practices of the private building surveyor or other building practitioners may also be referred to the Building Practitioner's Board and/or Victorian Building Authority (both of 733 Bourke Street, Docklands, Victoria, Australia 3008 T: 1300 815 127).

Yours faithfully

**Letter - Referral of complaint to PBS - M-'Moderate Risk'**

[COUNCIL LETTERHEAD]

[Insert name of PBS]  
[Insert address of PBS]

Dear

Re: Building work at [ insert address ]

Council records disclose that you have accepted an appointment to carry out a private building surveyor's functions under Part 6 of the *Building Act 1993* in respect of the building/building work at the above address.

Information has been received by this office regarding [ insert details of complaint].

The above matter is considered to be within the scope of your appointment and you are the appropriate person to deal with this issue and any surrounding issues.

Having considered the Municipal Building Control Intervention Filter Criteria Policy that has been adopted by this Council, the Municipal Building Surveyor does not intend exercising powers under the Building Act which are equally available to you. If, after a reasonable time however, it becomes evident that you have not taken appropriate action, the details of this matter may be referred to the Building Practitioner's Board and/or the Victorian Building Authority.

Yours faithfully

Copy: Owner

Copy: Complainant

(Consider the privacy of the complainant when referring the matter to the relevant building surveyor)

**Letter to complainant advising of referral to PBS - M-'Moderate Risk'**

[COUNCIL LETTERHEAD]

[Insert name of Complainant]

[Insert address of Complainant]

Dear

Re: Building work at [ insert address ]

I refer to your concerns regarding building work at the above site.

Council records disclose that a private building surveyor has been appointed in relation to that building work.

*The Building Act 1993* establishes a privatised system of ensuring compliance with the relevant legislation and codes. In circumstances such as this, where a private building surveyor has been appointed, it is that private building surveyor who has powers and responsibilities which enable and obligate them to deal with the matters raised by you.

I have therefore referred your concerns to the relevant private building surveyor for their action. A copy of that referral is enclosed.

The private building surveyor's details are as follows:

[Insert name and contact details of the relevant private building surveyor]

You may also wish to contact the private building surveyor directly.

The Building Practitioners Board is the professional regulating body in respect of all building practitioners including private building surveyors. The Victorian Building Authority also has powers to oversee private building surveyors.

Any future matters relating to the conduct, functions or practices of the private building surveyor or other building practitioners may also be referred to the Building Practitioner's Board and/or Victorian Building Authority (both of 733 Bourke Street, Docklands, Victoria, Australia 3008 T: 1300 815 127).

Yours faithfully

**Letter – Referral of Complaint to PBS - H-'High Risk'**

[COUNCIL LETTERHEAD]

[Insert name of PBS]

[Insert address of PBS]

Dear

**Re: Urgent Referral  
Building work at [insert address]**

Council records disclose that you have accepted an appointment to carry out a private building surveyor's functions under Part 6 of the *Building Act 1993* in respect of the building/building work at the above address.

Information has been received by this office regarding [ insert details of complaint].

The above matter is considered to be within the scope of your appointment and you are the appropriate person to deal with this issue and any surrounding issues.

Having considered the Municipal Building Control Intervention Filter Criteria Policy that has been adopted by this Council, the Municipal Building Surveyor does not at this time intend exercising powers under the Building Act which are equally available to you. If, after a reasonable time however, it becomes evident that you have not taken appropriate action, the Municipal Building Surveyor may intervene and take any necessary action under the Building Act.

In the event it is necessary for the Municipal Building Surveyor to intervene, details of this matter may be referred to the Building Practitioner's Board and/or the Victorian Building Authority.

Yours faithfully

Copy: Owner

Copy: Complainant

(Consider the privacy of the complainant when referring the matter to the relevant building surveyor)

**Letter to complainant advising of referral to PBS - H-'High Risk'**

[COUNCIL LETTERHEAD]

[Insert name of Complainant]

[Insert address of Complainant]

Dear

Re: Building work at [ insert address ]

I refer to your concerns regarding building work at the above site.

Council records disclose that a private building surveyor has been appointed in relation to that building work.

*The Building Act 1993* establishes a privatised system of ensuring compliance with the relevant legislation and codes. In circumstances such as this, where a private building surveyor has been appointed, it is that private building surveyor who has powers and responsibilities which enable and obligate them to deal with the matters raised by you.

I have therefore referred your concerns to the relevant private building surveyor for their action. A copy of that referral is enclosed.

The private building surveyor's details are as follows:

[Insert name and contact details of the relevant private building surveyor]

You may also wish to contact the private building surveyor directly.

The Building Practitioners Board is the professional regulating body in respect of all building practitioners including private building surveyors. The Victorian Building Authority also has powers to oversee private building surveyors.

Any future matters relating to the conduct, functions or practices of the private building surveyor or other building practitioners may also be referred to the Building Practitioner's Board and/or Victorian Building Authority (both of 733 Bourke Street, Docklands, Victoria, Australia 3008 T: 1300 815 127).

In the event that the private building surveyor has not taken action in regard to your concerns within [ insert time period ] please advise this office accordingly.

Yours faithfully

**Letter to PBS - E-'Extreme Risk'**

[COUNCIL LETTERHEAD]

[Insert name of PBS]

[Insert address of PBS]

Dear

**Re: Urgent Referral  
Building work at [insert address]**

Council records disclose that you have accepted an appointment to carry out a private building surveyor's functions under Part 6 of the Building Act 1993 in respect of the building/building work at the above address.

Information has been received by this office regarding [ insert details of complaint].

I have reviewed the circumstances of this matter and am of the opinion that there is an imminent danger to life or property and as such, having considered the Municipal Building Control Intervention Filter Criteria Policy, as adopted by this Council, I have determined that it is necessary that I make an Emergency Order pursuant to section 102 of the *Building Act 1993*.

A copy is enclosed for your information.

The Emergency Order does not take away from your duties and powers with respect to the building work - however, if you are contemplating further enforcement regarding these same issues I recommend that you consult with this office and possibly the Victorian Building Authority before doing so.

Yours faithfully

Municipal Building Surveyor

**Copy: Owner      Copy: Complainant**

(Consider the privacy of the complainant when referring the matter to the relevant building surveyor)



**Letter to complainant advising of Emergency Order and PBS - E- 'Extreme Risk'**

[COUNCIL LETTERHEAD]

[Insert name of Complainant]

[Insert address of Complainant]

Dear

Re: Building work at [ insert address ]

I refer to your concerns regarding building work at the above site.

Council records disclose that a private building surveyor has been appointed in relation to that building work.

*The Building Act 1993* establishes a privatised system of ensuring compliance with the relevant legislation and codes. In circumstances where a private building surveyor has been appointed, it is that private building surveyor who has responsibility to deal with matters pertaining to the building work being undertaken at the site.

In the present circumstances however, I consider that there is a danger to life or property and as such, having also considered the Municipal Building Control Intervention Filter Criteria Policy, as adopted by this Council, I have determined that it is necessary that I make an Emergency Order pursuant to section 102 of the *Building Act 1993*.

I have forwarded a copy of that emergency order to the private building surveyor.

The private building surveyor's details are as follows:

[Insert name and contact details of the relevant private building surveyor]

You may also wish to contact the private building surveyor directly.

The Building Practitioners Board is the professional regulating body in respect of all building practitioners including private building surveyors. The Victorian Building Authority also has powers to oversee private building surveyors.

Any future matters relating to the conduct, functions or practices of the private building surveyor or other building practitioners may also be referred to the Building Practitioner's Board and/or Victorian Building Authority (both of 733 Bourke Street, Docklands, Victoria, Australia 3008 T: 1300 815 127).

Yours faithfully

Municipal Building Surveyor

**Letter to Building Practitioners Board**

[COUNCIL LETTERHEAD]

The Chairperson  
Building Practitioners Board  
PO Box 536  
Melbourne VIC 3001

Dear Sir/Madam

Re: [ Insert name of building practitioner] - Request for Inquiry

Matters have come to the attention of Council, which in the view of Council, warrant the holding of an inquiry into the conduct of [insert name of building practitioner] who is/ was a registered building practitioner.

I request, pursuant to section 178(1)(d) of the *Building Act 1993*, that the Building Practitioners Board conduct said inquiry.

I enclose a chronology of events as they concern the building practitioner in addition to a summary of what I believe are the matters complained of and copies of relevant documents.

Please do not hesitate to contact Council staff if further information and evidence is required.

I look forward to advice of the Board's decision in this matter.

Yours faithfully

Chief Executive Officer

**Letter to the Victorian Building Authority requesting an investigation into the conduct of a building practitioner**

[COUNCIL LETTERHEAD]

Victorian Building Authority  
PO Box 536  
MELBOURNE VIC 3001

Dear Sir/Madam

Re: [Insert name of building practitioner/s]

A matter has come to the attention of Council which indicates that the conduct of the above practitioner/s warrant/s investigation by you.

The circumstances of this matter are set out in the enclosed chronology of events and summary of Council's concerns.

I request that you investigate the above practitioners and take the appropriate enforcement action.

Please advise me in due course of the results of your investigation.

Yours faithfully

Municipal Building Surveyor  
[ insert name of council]

**Letter to the Victorian Building Authority requesting direction to PBS under s205M**

[COUNCIL LETTERHEAD]

Victorian Building Authority  
PO Box 536  
MELBOURNE VIC 3001

Dear Sir/Madam

Re: **[Insert name of PBS]  
Building Surveyor Functions**

A matter has come to the attention of Council which indicates that the functions of a private building surveyor under the *Building Act 1993* or Building Regulations have not been carried out in an appropriate manner.

The circumstances of this matter are set out in the enclosed chronology of events and summary of Council's concerns.

This matter is currently a serious cause of concern.

A notice and direction to the private building surveyor by the Victorian Building Authority under section 205M of the Building Act may compel the private building surveyor involved to deal with the issue in an appropriate and timely manner. This would avoid or contain any unnecessary Council involvement and therefore enable proper administration of the private building surveyor's function.

It is therefore requested that the Victorian Building Authority review this matter and take appropriate action as a matter of urgency.

Please do not hesitate to contact Council staff if further information is required.

Yours faithfully

Chief Executive Officer

## Fact Sheet - The Building Permit System in Victoria

### Who can issue a Building Permit?

Prior to 1 July 1994 building permits and approvals could only be obtained from the local council, which was then responsible for carrying out all building work inspections etc.

Since the introduction of the Building Act on 1 July 1994, property owners have had a choice as to who can carry out building permit services and functions - Council (through the municipal building surveyor) or any one of many private building surveyors.

Whereas a municipal building surveyor is an office required by and answerable to the council, a private building surveyor is an independent person and not associated with or controlled by the Council.

An application for a building permit (and therefore the choice of building surveyor) can only be made by the owner of land or a person acting as an agent of the owner. This is often a professional such as the architect, draftsman or builder. A person acting as the owner's agent must, however, have the written authority of the owner to do so.

The building surveyor who issues the building permit (whether private or municipal) is generally responsible for ensuring that the building work complies with the requirements of the Building Act and the Building Regulations. The Building Act contains provisions to promote that only one building surveyor carries out the required functions regarding issuing permits and carrying out inspections. That building surveyor may, however, engage qualified and registered building inspectors to carry out the building inspections during the course of construction.

A municipal building surveyor or a private building surveyor appointed to issue a building permit in respect of particular building work has power to enforce compliance with the Building Act and Building Regulations through various methods including issuing building notices and orders.

A person who fails to comply with a building order can be prosecuted in the Magistrates Court. Where a private building surveyor issues a building order but it is not complied with, they are required to refer the matter to the Victorian Building Authority.

### The Victorian Building Authority

The Victorian Building Authority is the peak statutory body in Victoria dealing with building work and has a number of statutory functions and powers including (but not limited to):

- Collecting the building permit levy (a levy payable for any building work valued in excess of \$10,000)
- To monitor and enforce compliance with the Building Act and the Building Regulations
- To monitor developments relevant to the regulation of building standards in Victoria
- To provide information (including to consumers) on matters relating to building standards and the regulation of buildings, building work and building practitioners

- Providing information and training to assist people carrying out functions under the Building Act or the Building Regulations
- To promote the resolution of consumer complaints about work carried out by builders
- To conduct or promote research relating to the regulation of the building industry
- Prosecuting breaches of the Building Act or Building Regulations
- Issuing directions to building surveyors requiring them to carry out their functions in accordance with the Building Act
- In certain circumstances (including when a private building surveyor has referred a matter to it), exercising the powers of a municipal building surveyor which may, but does not necessarily, entail the carrying out of work required to bring about compliance with a building order.

The Victorian Building Authority carries out investigations into alleged breaches of the Building Act and Building Regulations in addition to investigating issues of conduct with respect to registered building practitioners (including building surveyors, building inspectors, engineers and builders). The Victorian Building Authority may refer such conduct issues to the Building Practitioners Board for a disciplinary inquiry if it believes there is sufficient evidence to do so.

The VBA may also appoint performance auditors to (amongst other things) examine the work of registered building practitioners to ensure:

- it has been competently carried out and does not pose any risk of injury or damage to any person and
- that the Act and Regulations have been complied with.

### **The Building Practitioners Board**

The Building Practitioners Board has a number of statutory functions and powers including (but not limited to):

- To administer the registration system for building practitioners being builders (including demolishers), building surveyors, building inspectors, engineers and draftspersons
- To make recommendations to the Minister of Planning regarding the qualifications for registration
- To conduct an inquiry about the conduct or ability to practise of a registered building practitioner
- To supervise and monitor the conduct and ability to practice of registered building practitioners.
- Suspending a practitioner's registration pending the holding and determination of an inquiry if the Board considers it is in the interests of the public to do so

The supervision and monitoring of conduct is largely carried out through the holding of disciplinary hearings (Inquiries) into the conduct of building practitioners following either a direct complaint from a member of the public or a referral to the Building Practitioners Board by the Victorian Building Authority.

The Building Practitioners Board, on finding a building practitioner guilty of misconduct may (amongst other penalties), fine that practitioner or suspend or cancel that practitioner's registration.

### **Local Government**

Council is responsible by section 212 of the Building Act to administer and enforce specified parts of that Act and the whole of the Building Regulations within its municipal district. As with many other responsibilities, Council has the ability to determine, through the adoption of policies, how it will carry out these functions having regard to competing obligations and limited resources. Policies have the benefit of establishing priority as to how to best serve and protect the public.

### **The Building Control Intervention Filter Criteria (BCIFC)**

The BCIFC is a Council policy for dealing with complaints regarding building work where a private Building Surveyor has been appointed.

The BCIFC allows for a range of actions by Council depending on the nature of the complaint. This may include referring the complainant directly to the private building surveyor, taking direct intervention action or referring the matter to the Building Practitioners Board for inquiry or to the Victorian Building Authority for investigation.

Members of the public can also make complaints regarding a building practitioner direct to the Victorian Building Authority or the Building Practitioners Board.

For further information on building control functions, services, policies and the current system visit <insert URL to Council website>.

Further information on the Victorian Building Authority and the Building Practitioners Board can be obtained from:

The Victorian Building Authority  
PO Box 536, MELBOURNE VIC 3001  
<http://www.vba.vic.gov.au/> 1300 815 127