

Monitoring, Enforcing and Supervising Building Practitioners

August 2017

Contents

Introduction	3
Purpose of document	4
VBA interpretation of monitor, enforce and supervise	4
Monitor	4
Enforce	4
Supervise	4
Activities undertaken by the VBA to monitor, enforce and supervise building practitioners	4

Introduction

The Victorian Building Authority's (VBA) actions are governed by powers conferred to it within the *Building Act* 1993 (the Act) and relevant associated regulations. Guidance and standards for the building and plumbing industries are provided by the National Construction Codes (administered by the Australian Building Codes Board) and relevant Australian Standards.

Section 197 of the Act provides clarity as to the functions of the VBA:

- (a) to monitor and enforce compliance with this Act and the regulations;
- (ab) to administer the scheme under Part 11 for the registration of building practitioners;
- (ac) to supervise and monitor the conduct and ability to practise of registered building practitioners;
- (ad) to make recommendations to the Minister about the qualifications for registration of building practitioners;
- (ae) to issue certificates of consent;
- (b) to administer the scheme under Part 12A for the licensing and registration of plumbers;
- (c) to participate on behalf of Victoria in the development of national building standards and national plumbing standards;
- (d) to monitor developments relevant to the regulation of building standards and plumbing standards in Victoria;
- (e) to promote the maintenance of adequate levels of competence among plumbers;
- (f) to provide information (including to consumers) on matters relating to—
 - (i) building standards and plumbing standards; and
 - (ii) the regulation of buildings, building work and building practitioners; and
 - (iii) the regulation of plumbing work and plumbers;
- (g) to provide information and training to assist persons and bodies in carrying out functions under this Act or the regulations;
- (h) to promote the resolution of consumer complaints about work carried out by builders and plumbers;
- (i) to conduct or promote research relating to the regulation of the building industry and the plumbing industry in Victoria and to report on the outcomes of this research in its report of operations under the **Financial Management Act 1994**;
- (j) to monitor the system of collection of the building permit levy;
- (k) to charge and collect fees (determined in accordance with this Act and the regulations) for information and training services provided by the Authority;
- (l) to administer the Victorian Building Authority Fund;
- (m) to advise the Minister on the carrying out of the Authority's functions under this Act and on any other matter referred to it by the Minister;

- (n) to carry out any other function conferred on the Authority by or under this or any other Act or under any agreement to which the State is a party.

Purpose of document

This document does not focus on all the functions listed under Section 197 rather it focusses on how the VBA meets its obligation:

- to monitor and enforce compliance with the Act and the regulations; and
- to supervise and monitor the conduct and ability to practise of registered building practitioners.

This document has several intersections with other principles and policies of the VBA. It is not the intention to reproduce the contents of those principles and guidelines in this document. For completeness, the following should be read in conjunction with this document:

- VBA regulatory framework (TRIM REF?)
- VBA compliance and enforcement policy (TRIM REF?)
- VBA prosecutions policy (TRIM REF?)

VBA interpretation of monitor, enforce and supervise

The VBA plays an important role to ensure that the building and plumbing industry is appropriately regulated. To provide clarity the VBA interprets monitor, enforce and supervise in accordance with the definitions provided by the Oxford Dictionary:

Monitor – keep under systemic review¹

Enforce – compel observance of or compliance with (a law, rule or obligation)²

Supervise – keep watch over (someone) in the interest of their or others' security³

Activities undertaken by the VBA to monitor, enforce and supervise building practitioners

To meet the requirements of Section 197(a) and (ac) the VBA undertakes a number of activities. Below is a table of those activities. The table does not include all the activities undertaken by the VBA rather it is a list of those activities most directly related to sub-sections of Section 197 identified.

Building surveyors play an integral role in the regulatory system. Building surveyors have a unique role in the building regulatory system. They have significant powers to which they can apply to building practitioners to ensure compliance with the Act and Building Regulations is achieved. As such they have been separated in the following table.

¹ Retrieved from <https://en.oxforddictionaries.com/definition/monitor>, 11 July 2017

² Retrieved from <https://en.oxforddictionaries.com/definition/enforce>, 11 July 2017

³ Retrieved from <https://en.oxforddictionaries.com/definition/supervise>, 11 July 2017

Division	Activity	Monitor, enforce and supervise, building surveyors	Monitor, enforce and supervise building practitioners
Licensing and Registration	Fit and proper person test (as part of registration)	✓	✓
	National police check (as part of registration)	✓	✓
	5-year registration review	✓	✓
	Conditions	✓	✓
Enquiries, Inspections and Complaints	Termination consent (Section 81)	✓	✗
	Proactive Inspections/Audits	✓	✓
	Complaint assessment	✓	✓
	Owner builder consents	✗	✓
Compliance, Enforcement and Legal Services	Investigations	✓	✓
	Disciplinary action / Prosecutions	✓	✓
	Levy Audits	✓	✗
	Practitioner Intelligence	✓	✓
Technical and Regulation	Research and evaluation (reviewing current practices)	✓	✓
Strategy and Performance	Monitoring and Evaluation Framework	✓	✓
	Communications to public and practitioners about regulatory themes and outcomes	✓	✓