

Summary of findings and actions

As the regulator of the building industry, the Victorian Building Authority (VBA) undertakes performance audits, examining building work carried out by registered building practitioners. These audits are designed to assess compliance of building work with legislation, to ensure that building work does not pose any risk of injury or damage to people, and that building work is carried out competently and to a professional standard. The VBA Building Audit Program recently completed an audit of building permit files. This information sheet provides an overview of the findings and resulting actions.

Audit objective

The objective of the audit was to examine building permit files held at council, and in some cases at the office of the relevant building surveyor (RBS), to:

- measure the compliance of registered building surveyors' work during the building permit process, specifically focusing on material the RBS receives, considers, records and submits to council
- accurately quantify compliance issues associated with the building permit process
- address any potential impacts to health and safety identified during the audit
- provide feedback to practitioners to enable improvement in practices and achievement of greater compliance.

Audit scope

Phase one: Building permit files at councils

The first phase consisted of auditing 1000 building permit files at 20 councils, both metro and regional. The permits were selected via random sampling, with controls to ensure proportions of domestic and commercial work and work undertaken by municipal and private building surveyors reflected proportions of permits issued in the municipality. The permits audited were issued between January 2010 and December 2012 by a total of 212 registered building surveyors.

In 450 of the permit files audited it was identified that there was insufficient documented evidence to make a determination on the compliance of at least one health and safety item.

This prompted a second phase of audits.

Phase two: RBSs' building permit files

The second phase consisted of auditing specific aspects of 450 building permit files (from the original 1000) held by the RBS. The permit files were selected for examination based on risk – specifically, the level of compliance of the file and the potential impact to the health and safety of the public. Phase two audits only considered matters that could pose a high risk of injury to people.

The VBA contacted 143 RBSs, in both metro and rural Victoria, to examine the files at their office or request further information by email. The method of this phase two audit was determined by the total amount and frequency of observed non-compliance in council files.

The Building Audit Program team worked with the RBSs to address over 1500 possible health and safety issues identified in the first audit with the following results:

- In most cases the RBS was able to demonstrate that there was no potential risk to the public (95%).
- Where issues were confirmed, the RBS was requested to remedy these.
- Where serious non-compliance was not addressed (<1%), the issue is being managed through the VBA's compliance processes and appropriate action taken.

The scope of this audit did not include the review of physical building work. Audits in both phases were performed by registered building surveyors.

Audit criteria

Audit criteria are the aspects of the legislation and technical requirements that building permit files are evaluated against at the time of the audit. The criteria adopted for this audit were designed to include all aspects that the RBS needs to consider and record in the building permit file at council, according to the *Building Act 1993* (the Act) and the *Building Regulations 2006* (the Regulations).

Building Permit Audit – Summary of findings and actions

Audit findings and actions

Of the permit files audited at council, on average 63% of the items assessed in each file were found to be compliant (documentation and technical content). Audit findings are grouped into the following compliance areas.

Findings	Compliance actions – building surveyors
<p>Building permit files at council</p> <ul style="list-style-type: none"> • Building permit forms (Form 2) non-compliant - prescribed information not included and/or with errors • Property information and planning information lacking • Lack of documentation on the proposed building work, eg. specifications, methodology, engineer computations, energy reports • No evidence of reports and consents where they should have been obtained prior to the issue of the building permit 	<ul style="list-style-type: none"> • Ensure prescribed forms comply with and contain the required information • Only approve building permit applications where documentation is sufficient to demonstrate compliance with legislation • Ensure that relevant certificates, reports and consents are obtained • More rigorous submission of documentation to council (at appointment, after issue of building permit and on completion), within the prescribed timeframes
<p>Drawings</p> <ul style="list-style-type: none"> • Plans omitted entirely (particularly site plans) or inconsistent with the scope of the building work described on the building permit form • Building elements not clearly nominated on drawings (eg. no handrail, no gutters), lacking details (eg. dimensions) or with errors (eg. spacing not compliant) • Plans lacking details, eg. construction requirements, specifications 	<ul style="list-style-type: none"> • Communicate with the applicant to seek additional information or amended drawings where necessary • Only approve building permit applications where plans are accurate and contain sufficient details to demonstrate compliance with legislation
<p>Alternative solutions</p> <ul style="list-style-type: none"> • Lack of documentation relating to the alternative solution: methodology, test reports, specifications of materials used, performance requirement it is meant to satisfy, written determination by the RBS • Alternative solutions not prepared and determined by independent persons • No evidence of appropriate qualification of persons providing a certificate under section 238 of the Act relating to compliance of the alternative solution with a fire performance requirement 	<ul style="list-style-type: none"> • Appropriately check and record all documentation used to make a determination on a proposed alternative solution • Issue a written determination on the proposed alternative solution with justification of how the alternative solution meets the performance requirements of the Building Code of Australia (BCA) • Ensure that the person preparing the alternative solution is independent of them or their office and has the appropriate qualification(s)
<p>RBS considerations and determinations</p> <ul style="list-style-type: none"> • Lack of information in the file to provide assurance that the RBS could make an informed determination • Lack of evidence of consideration of protection work, protection of the public and consent to partial compliance under Regulations 608, 609 and 1011, where it appeared required • Lack of evidence of determination by the RBS 	<ul style="list-style-type: none"> • Only approve building permit applications where documentation is sufficient to make informed decisions on the need or otherwise for protection work, protection of the public, or the need to bring the entire building into conformity with the Regulations • Ensure that relevant certificates, reports and consents are obtained • Record evidence of considerations and determinations

Building Permit Audit – Summary of findings and actions

Compliance actions – other stakeholders		VBA Actions*	
		Addressing specific compliance requirements	Addressing all compliance requirements
Building permit files at council	<p>Designers #</p> <ul style="list-style-type: none"> Include full details of specifications on the plans, or include a note on the plans referring to detailed supporting documentation <p>Councils</p> <ul style="list-style-type: none"> Keep a record of all documents submitted by RBSs relating to a building permit Respond within prescribed or reasonable timeframes to requests for information, reports and consents 	<ul style="list-style-type: none"> Develop additional resources for building surveyors in relation to the building permit documentation submitted to council (ST) Conduct a targeted audit of work by registered practitioners based on risks identified in this audit (MT) 	<ul style="list-style-type: none"> Follow up on reports issued to audited RBSs and where required compliance activity has not been implemented, undertake appropriate enforcement action (MT)
	<p>Designers</p> <ul style="list-style-type: none"> Provide a full set of drawings, including site plans with appropriate details and all other required documentation Ensure plans demonstrate the building work will comply with the Act, the Regulations and the BCA Ensure plans clearly differentiate existing building and structures from proposed building work 	<ul style="list-style-type: none"> Conduct an audit of registered designers (MT) Use data to deliver improvements to the assessment and registration process for designers (LT) Encourage use of VBA support mechanisms by designers (MT) 	<ul style="list-style-type: none"> Improve existing guidance material and develop additional resources for practitioners and owners (MT) Work with industry and local government to support the development and delivery of targeted education and training packages and tools (MT)
Alternative solutions	<p>Practitioners involved in alternative solutions</p> <ul style="list-style-type: none"> Ensure that the alternative solutions are prepared, assessed and/or certified in compliance with legislative requirements Update processes to incorporate a declaration of involvement in the design, assessment and/or certification of the alternative solution (and statement of relevant qualification and/or registration number) when supplying documentation to the RBS 	<ul style="list-style-type: none"> Conduct an audit of alternative solutions (MT) Develop and deliver improvements to registration processes, particularly consider the need to record practitioner skills beyond standard registration (LT) Refer for enforcement action any identified non-compliance relating to alternative solutions (ST) 	<ul style="list-style-type: none"> Use audit data to inform changes to the legislative framework, including the Regulations, in relation to the building permit process (MT-LT)
RBS considerations and determinations	<p>Designers</p> <ul style="list-style-type: none"> Provide a full set of drawings, including site plan with the appropriate details and all other required documentation Include details of the protection work and protection of the public measures on the building plans 	<ul style="list-style-type: none"> Conduct an audit focussing on protection work, protection of the public (MT) 	<p><i>* Timeframes for implementation are:</i></p> <ul style="list-style-type: none"> - short term (ST) within three months - medium term (MT) within a year - long term (LT) one to three years

Designers include draftpersons, architects, builders and owner-builders
 For a comprehensive report of findings and associated actions, refer to the [Industry Report](#)

Find out more

If you have any questions, please contact the Building Audit Program team on buildingaudit@vba.vic.gov.au