



## Intervention where a Private Building Surveyor is responsible

<b>Policy type</b>	Council
<b>Adopted by</b>	Moira Shire Council
<b>Responsible director</b>	Director Development
<b>Responsible officer</b>	Municipal Building Surveyor
<b>Date adopted</b>	19 March 2012
<b>Scheduled for review</b>	19 March 2015

### PURPOSE

- To provide direction on how and when Council and its Municipal Building Surveyor will administer and enforce the Building Act 1993 (“the Act”) in relation to complaints where a private building surveyor has been appointed and is responsible to carry out functions under the Act; and
- Specify when matters will be referred to the Building Commission and/or Building Practitioners Board for their administration and enforcement of the Act.

### OBJECTIVE

- Consistency and transparency of Council's approach in the administration and enforcement of the Building Act.
- Deterrence of wayward practitioners by threat of referral to the Building Practitioners Board and/or Building Commission for disciplinary or directive actions.

### SCOPE

This policy applies to complaints against private building surveyors appointed to carry out functions under the Act within the municipal district of Moira Shire Council.

### POLICY

1. Council recognises the potential for a high demand on the Municipal Building Surveyor and building department resources in dealing with every complaint that could be raised, regardless of content, against a private building surveyor.
2. A limited intervention approach which addresses risk management will be taken to deal with complaints in a methodical and consistent manner.
3. When a complaint is received the Municipal Building Surveyor will use the Building Control Intervention Filter Criteria (‘the filter criteria’), developed by the Victorian Municipal Building Surveyors Group, to determine when to intervene using the powers under the Act. The filter uses a risk assessment matrix to classify the method of response based on the level of risk to life and property.

## Intervention where a Private Building Surveyor is responsible



4. The filter criteria provides for a range of actions - from immediate action by the Municipal Building Surveyor to referring the complainant to the relevant building surveyor (for him or her to attend to the matter) in the case of low risks.
5. Serious misconduct by any building practitioner will be referred to the Building Practitioners Board or the Building Commission for supervision, direction and/or discipline.

### RELATED POLICIES

*Development of Policy Documents, and Policy Guideline*

### RELATED LEGISLATION

*Building Act 1993*  
*Building Regulations 2006*

### REFERENCES

*Building Code of Australia*, Australian Building Codes Board  
Victorian Municipal Building Surveyors Group and Hoeyes Lawyers (2004),  
*Municipal Building Control Intervention Filter Criteria Guideline*

### REVIEW

This policy will be reviewed three years from the date of adoption, with operational amendments as required, in accordance with Council's approval.