

# Registered building surveyor contractor obligations

## *A guide to registration obligations and the compliance audit program*

The Building Commissioner is responsible for monitoring and reviewing the operation of the building services Acts and administering the Building Services Board (the Board) that governs the registration of building surveyors in Western Australia. The building services Acts which set out the obligations that registered service providers must adhere to are:

- *Building Services (Registration) Act 2011*
- *Building Services (Complaint Resolution and Administration) Act 2011.*

### 1. General registration obligations

Written notice must be given to the Board within seven days of any of the following occurring:

- You change your address.
- There is a change in your eligibility.
- You are suffering financial difficulty.
- You have been charged with a serious offence.
- You are convicted of an offence against the law of the Commonwealth or another jurisdiction in connection with the provision of a building service.
- You no longer have an eligible nominated supervisor.
- A new company director is appointed.

### 2. Certificates and standards

Registered building surveying contractors are responsible for issuing certificates of design compliance, certificates of construction compliance and certificates of building compliance. It is essential that all parts of a certificate are completed and accompanied by required prescribed items.

Prior to issuing a certificate, a building surveying contractor should be satisfied that the design or completed building complies with each applicable building standard, and that adequate documentation has been provided and referenced in order to demonstrate compliance with the standards.

### 3. Display of certificate of registration, signage and advertising requirements

You must ensure that your contractor certificate of registration is displayed in a prominent location at the premises where you principally carry out business. The certificate of registration of any practitioner who is a nominated supervisor is to be displayed in the same manner.

A building surveying contractor who carries out building surveying work as a person issuing a compliance certificate must ensure there is a sign displayed at the premises where the contractor principally carries on business. The sign must be in a prominent position and be able to be read by a person entering the premises.

The signage must contain the registered name of the contractor, the trading name if different to the registered name, the class of registration, the contractor's registration number and the name and registration number of at least one nominated supervisor for the contractor.

A building surveying contractor, who carries on a business at a private residence is not required to display the registration certificate or signage where no part of the premises is used for meeting with clients or prospective clients.

Any advertising published must also contain your registration number.

### 4. Supervision requirements

The registration of a building surveying contractor is subject to the condition that the work of any building surveying practitioner technician employed or engaged by the contractor, must be supervised by a building surveying practitioner level 1 or a building surveying practitioner level 2.

## 5. Audit program

### Compliance inspections

The compliance audit program monitors that:

- building surveying services are being carried out effectively;
- the appropriate approved forms are completed and the correct statements are being made;
- performance requirements are being adequately addressed;
- correct building standards being identified and addressed; and
- the registration system works as intended.

Written notice of a compliance inspection will be issued to the registered building surveying contractor to allow adequate time to respond to the notice and prepare responses as required. During the audit, the registered building surveying contractor will have the opportunity to discuss any compliance related matters with the auditing officer. Building and Energy officers are bound by the Department of Mines, Industry Regulation and Safety's Code of Conduct. Any information obtained during the audit will remain confidential unless the Board or Building and Energy is required to disclose the information by law.

A technical inspection of selected certifications will also be conducted during a compliance audit. This part of the audit process involves the examination of documentation referenced on the approval certificates that are being inspected. Building and Energy officers undertake this part of the inspection at the offices of Building and Energy.

### What happens after an audit is completed?

Building and Energy acknowledges compliance efforts and supports registered building surveying contractors and practitioners who are endeavouring to comply with their requirements through undertaking relevant training and implementing appropriate assessment processes.

At the conclusion of a compliance inspection the building surveyor contractor will be provided with a report for each selected certificate that has been the subject of a technical inspection. The report will document where inspection points have been identified as not demonstrating compliance and will require building surveyor contractors to respond for identified high risk items.

Where necessary, actions taken for serious non-compliance may include referral for the commencement of an investigation resulting in one or a combination of; no further action, education requirement, formal warning or prosecution.

## General inspections

Building and Energy's audit program also includes general inspections of building work to monitor how building services are being carried out and how building standards are being applied. Findings arising from general inspections are reviewed, with the information used to inform audit priorities and produce reports for industry.

## 6. Further information

Further information regarding responsibilities and obligations for building surveyors, including internal quality assurance checklists, are located on the department's website at [www.lgirs.wa.gov.au](http://www.lgirs.wa.gov.au)

Access to the building services Acts is available on the Parliamentary Counsel's Office website at [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)

**Disclaimer** – The information contained in this fact sheet is provided as general information and a guide only. It should not be relied upon as legal advice or as an accurate statement of the relevant legislation provisions. If you are uncertain as to your legal obligations, you should obtain independent legal advice.

### Building and Energy | Department of Local Government, Industry Regulation and Safety 1300 489 099

8.30am – 4.30pm  
Level 1 Mason Bird Building  
303 Sevenoaks Street (entrance Grose Avenue)  
Cannington Western Australia 6107  
M: Locked Bag 14 Cloisters Square Perth WA 6850  
W: [www.wa.gov.au/organisation/building-and-energy/building-and-energy](http://www.wa.gov.au/organisation/building-and-energy/building-and-energy)  
E: [be.info@lgirs.wa.gov.au](mailto:be.info@lgirs.wa.gov.au)

### Regional Offices

Goldfields/Esperance	(08) 9021 9494
Great Southern	(08) 9842 8366
Kimberley	(08) 9191 8400
Mid West	(08) 9920 9800
North West	(08) 9185 0900
South West	(08) 9722 2888

National Relay Service: 13 36 77

Translating and Interpreting Service (TIS): 13 14 50

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