



Industry Bulletin 144

Technical documents

This Industry Bulletin has been developed to remind building surveyors of their responsibilities when including technical documents with a certificate of design compliance (CDC), a certificate of construction compliance (CCC), or a certificate of building compliance (CBC). For the purposes of this bulletin, CDC, CCC and CBC have been collectively referred to as 'compliance certificates'.

Introduction

Recent investigations conducted by Building and Energy have identified several cases where technical documents supporting plans and specifications for the purpose of demonstrating compliance with applicable building standards have not been properly considered by the building surveyor. Instances where the technical documents were not consistent or did not correspond with the other design documents for the subject building work have also been identified.

The *Building Act 2011* (the Act) details the key functions of the building surveyor when carrying out building surveying work for the purpose of signing a compliance certificate in Western Australia. This includes making statements regarding compliance with applicable building standards. In general, the building legislation in Western Australia adopts the National Construction Code (NCC) Volume One and Volume Two as the applicable building standards.

Technical documents

Although the CDC, CCC and CBC approved forms (BA3, BA17 and BA18) make reference to 'technical documents', this is not a defined term under the Act. The reference to technical documents in the approved forms is generally taken to mean any supporting document which may supplement, or be part of, the plans and specifications for the purposes of providing information and evidence on compliance with applicable building standards.

For CCCs, the declaration on the BA17 form includes the statement;

In making this declaration, I rely on the technical documents specified in part 3 of this certificate.

KEY POINTS:

- Building surveyors must scrutinise all technical documents upon which they rely for evidence of compliance with applicable building standards.
- Building surveyors must only sign a compliance certificate if they have independently satisfied themselves that compliance with applicable building standards is sufficiently demonstrated.

The purpose of this statement is to acknowledge that a building surveyor is not normally involved in the supervision of the construction. The building surveyor relies on technical documents, in addition to inspections, to independently verify that the building has been completed in accordance with the plans and specifications that are specified in the applicable certificate of design compliance for each applicable building permit.

However, the building surveyor must scrutinise every technical document before relying on that document. While building surveyors are not expected to have the expertise to scrutinise complex calculations or specific computer modelling they must check the basic assumptions and inputs and generally determine that the technical document is fit for the specific purpose, and that it is consistent with the holistic approach to demonstrating how the building does or will comply with all applicable building standards.

It is the responsibility of the building surveyor to check both the accuracy of technical documents and the competency of the person providing them. This includes checking the technical documents to ensure compliance with the Deemed to Satisfy provisions of the NCC and any relevant documents such as Australian Standards or requirements that form part of a Performance Solution.

If a building surveyor is not satisfied that the technical information contained in a technical document is accurate, complete and from a reliable source, they should not accept the document.

Evidence of suitability

Part A5 of the NCC Governing Requirements explains the evidence needed to show that the NCC requirements are met and that the solution is fit for purpose.

The Australian Building Codes Board (ABCB) has published an Evidence of Suitability Handbook which includes a framework and a decision flow chart to assist in the correct use of the evidence of suitability provisions of the NCC.

The ABCB Evidence of Suitability Handbook also provides some guidance on documentary evidence to support NCC compliance, including technical documents.

Where a technical document is in the form of a certificate or report prepared by a professional engineer or other appropriately qualified person to verify the suitability of a building component, form of construction or design, the ABCB Handbook states that they may issue that certificate or report so long as it:

- *provides the basis on which verification of suitability has been made in a form that can be subjected to scrutiny; and*
- *references any standards, specifications, software or other publications or documents relied upon in verifying suitability.*

The ABCB Handbook defines a **professional engineer or appropriately qualified person** as being,

A person recognised by an appropriate authority [i.e. a building surveyor] to provide documentary evidence. When assessing the suitability of a certificate or report under this evidence option, [a building surveyor] will need to verify that the report author has experience and competence commensurate with the subject of the report.

Technical certificates

A 'technical document' is not to be confused with a 'technical certificate' signed by a 'specialist' as referred to in section 144(2) of the Act.

The term 'specialist' is defined in section 3 of the Act as meaning:

A person who belongs to a class of persons prescribed [in the Building Regulations 2012] as persons who can sign the technical certificate for the purposes of [the Building] Act.

As no class of persons has yet been prescribed in the Building Regulations 2012, section 144(2) of the Act is not yet in force.

Consequently, building surveyors have the responsibility to scrutinise all supporting documents to ensure consistency with the holistic approach to demonstrating how the building does or will comply with applicable building standards.

Other obligations

Building surveyors must be aware of and understand the statements required under the building legislation when signing a compliance certificate. A building surveyor must not sign a certificate if unsure whether compliance is achieved, or if there is insufficient information to be satisfied of compliance.

No other building professional has the responsibility of signing a compliance certificate for both the design and the completed building under the Act and while building surveyors may rely on other people such as employees or colleagues to help them gather information, making the statements contained in a compliance certificate cannot be delegated to a third party. This means that building surveyors are wholly responsible for the compliance certificates they sign.

It is also important to note that when performing their statutory functions, registered building surveyors must make decisions that are in the public interest and must ensure minimum required levels of safety, health, amenity, accessibility and sustainability are met for the building. This duty to act in the public interest must come before any responsibilities building surveyors may have to their clients or employers.

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