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# Building Commissioner's Statement of Intent



In 2021, the Department of Energy, Mines, Industry Regulation and Safety - Building and Energy Division (Building and Energy) published its inaugural Audit Strategy (2021-2024) and associated Audit Priorities. This strategy has guided our program for the last 4 years and a summary of some of our findings are set out in Appendix 1 and the various reports we have published.

Our aim is to identify problems early, follow up to ensure rectification and, if necessary, take other enforcement action. Our program does not replace the responsibility of developers,

builders and trade contractors to regularly inspect and ensure the safety and quality of their work. Instead, the program supports these participants to identify and rectify common faults, ensuring a better outcome for all Western Australia (WA) building owners and users. The program provides early intervention to identify non-compliance during construction and educate industry participants on the technical standards applicable to aspects of building work.

As we move forward to 2030, our new Audit Strategy (2025–2030) will continue to build upon our experiences and success. We have also listened to our industry stakeholders and experts on the areas for possible improvement.

Our strategy over the next 5 years is to deliver a more focussed proactive audit program to educate, monitor and drive improvements in compliance in the WA's building industry. Our audit program will:

- minimise potential harm to public health and building occupants;
- focus on high-risk aspects of building;
- deliver random and targeted auditing of BSPs to encourage industry participants to perform work correctly and avoid costly mistakes;
- raise the standard of compliance with technical standards to avoid serious defects for building owners and occupants and reduce building disputes;
- be agile and responsive to industry and regulatory changes and Government priorities.

Underpinning our strategy remains Building and Energy's unwavering commitment to ensuring:

- our finite resources are allocated in a manner that provides the best value for money coverage for the WA public; and
- our proactive audit processes remain fit for purpose and are continually recalibrated in collaboration with industry stakeholders to reduce public exposure to high-risk building practices.

**Saj Abdoolakhan**

Building Commissioner

# Our Operational Context

In the last four (4) years, the WA building industry has faced several critical challenges largely driven by a global pandemic and unprecedented supply and demand forces.

While the industry has overcome some of the challenges, more changes are on the horizon. These include:

- increased demand for housing stock to meet WA's growing population;
- changes to building standards to support the transition to net zero emissions; and
- the State Government's commitment to improving the design, construction and certification of buildings through the 'Building Better Reforms'.

To support the changes in our operational environment, we need to adapt our audit approaches to improve community confidence in the compliance with building standards and the work of new and existing BSPs.

Like all industry participants, our practices as a regulator cannot remain stagnant and must adapt to changing building practices, developments in technology and regulations anticipated over the next 5 years. This will include making better use of our data holdings and other technology.

From 1 July 2024, the registration of building engineers commenced operation in WA. As these registration requirements become compulsory in the coming years, we will progressively expand our audits of building engineering work to identify areas of concern and improvement and educate building engineering providers of their role and responsibility in the building approval process.

We will continue to work effectively within our limited resources to identify areas for auditing that will have the biggest impact in terms of risk and informing industry participants.

Our operations will remain focused on early intervention through the notification of our findings for action by the responsible BSPs and referral to local governments in circumstances where other compliance actions or orders are warranted.



# Our Role

Building and Energy supports the Building Commissioner and the Building Services Board to perform the various powers and functions provided in relevant laws. These functions and powers have remained largely the same since 2011.

Our primary role is to regulate various building, plumbing, electrical and gas trades and the persons who operate in those professions.

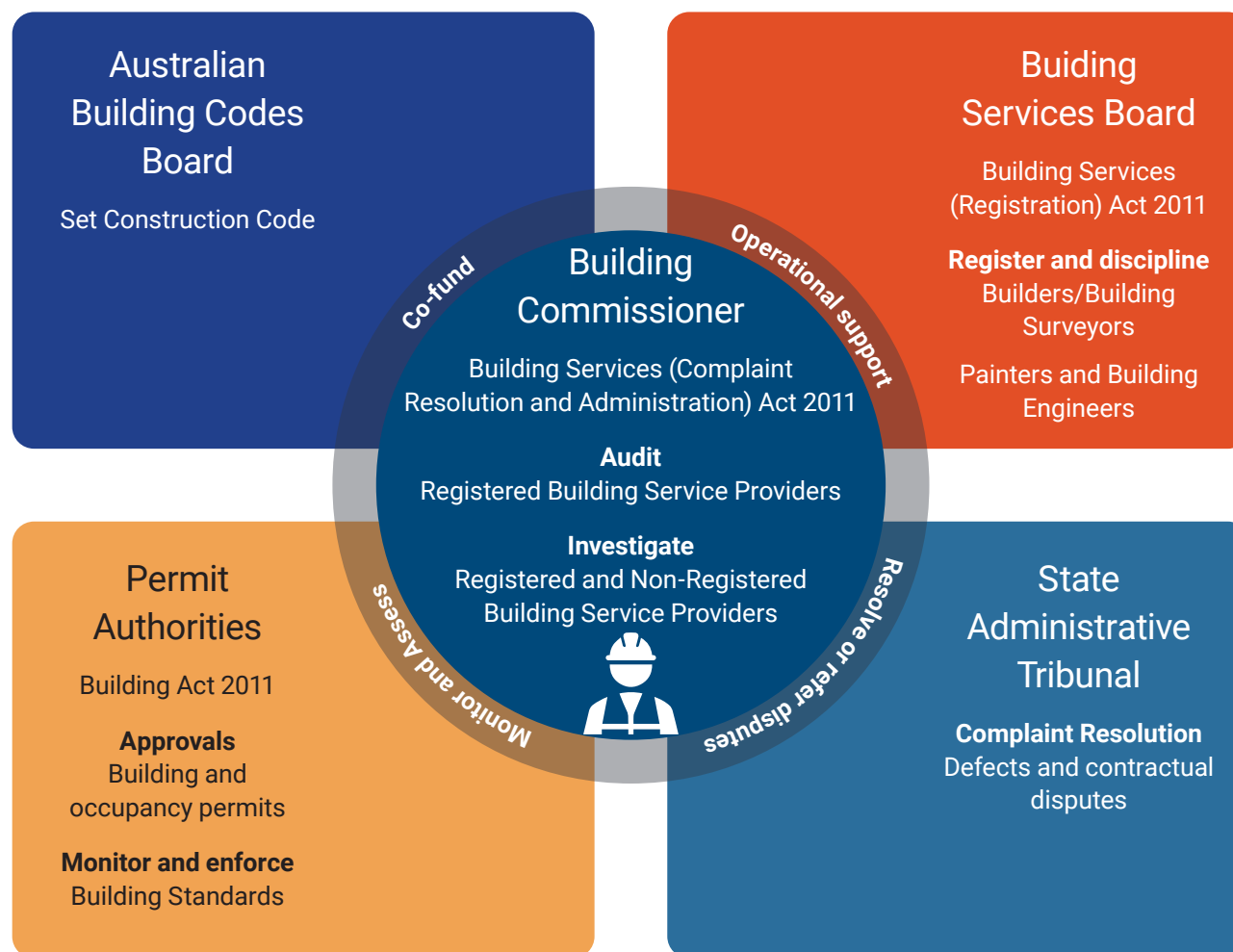
In the building industry we carry out our role through:

- proactive auditing of BSPs and compliance with technical standards;
- disciplinary and statutory prosecutions;
- resolving disputes about faulty or unsatisfactory building services and home building work contracts.

We work alongside local government permit authorities which are responsible for building control in WA, including the granting of permits for construction, occupation and demolition and which have powers to enforce building standards through building orders.

Where our proactive audits identify non-compliance with building standards during construction that are not adequately addressed through the early intervention with the relevant BSP, enforcement action is taken by us against the relevant BSP and a referral is made to the local government permit authority for action with respect to rectifying the affected building.

Our key responsibilities and role is outlined in Diagram 1 below:



# Our Proactive Audit Program

Our proactive audit program has been successfully operating for over 10 years. The program acts as an early intervention/preventative measure to assess the compliance of building services and the work of BSPs during construction and educate industry participants to avoid serious defects and non-compliance.

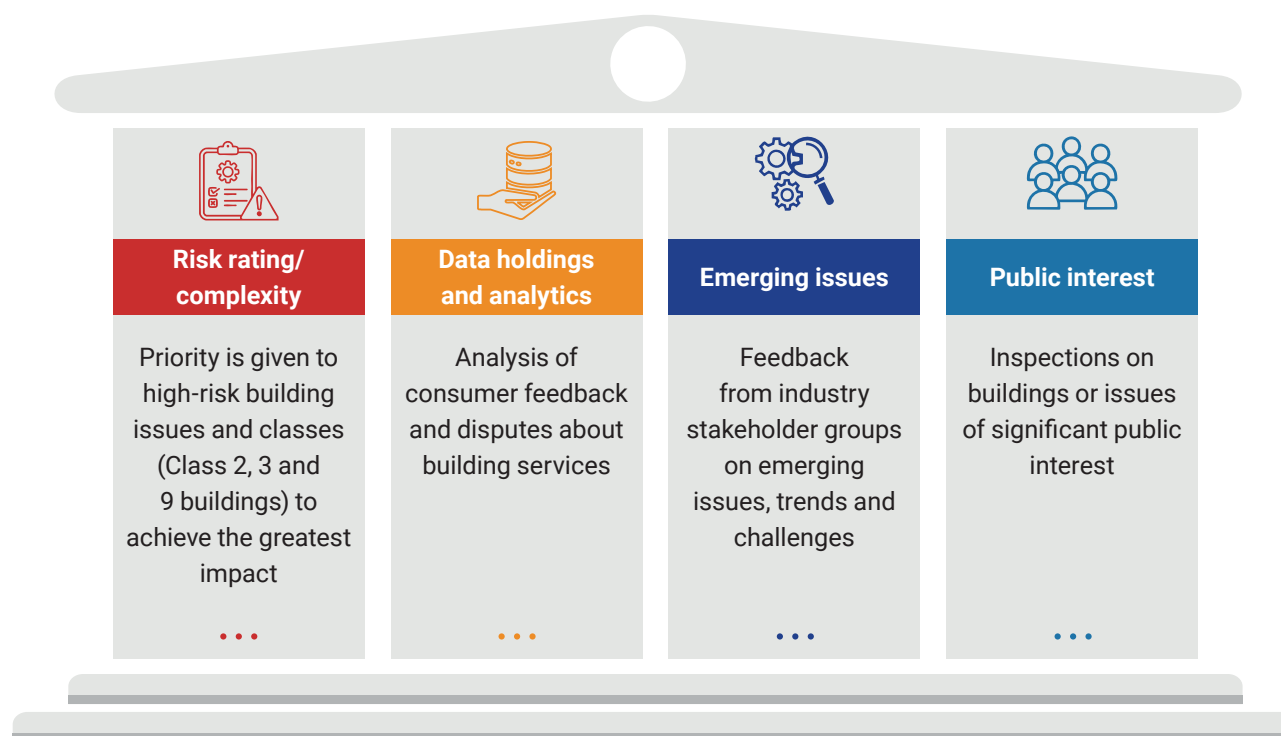
Our team is comprised of experienced building surveyors, builders and engineers who carry out general and compliance (specific) inspections. Where non-compliance or concerns are identified, our team will notify the responsible BSP to ensure it is addressed. If we remain unsatisfied, further enforcement action will be taken through a disciplinary investigation and/or referral to the relevant local government permit authority for further action under the building laws.

To assist industry participants avoid similar defects or non-compliance, we will publish snapshot reports on our inspection findings and promote greater awareness through other media channels. This information will support better outcomes for building service providers and consumers.

Over the next 5 years our proactive audit program will continue to be focused on risk-based priorities set annually through our published Audit Priorities.

Our Audit Priorities are determined based on a matrix of quantitative and qualitative factors set out in the adjacent diagram.

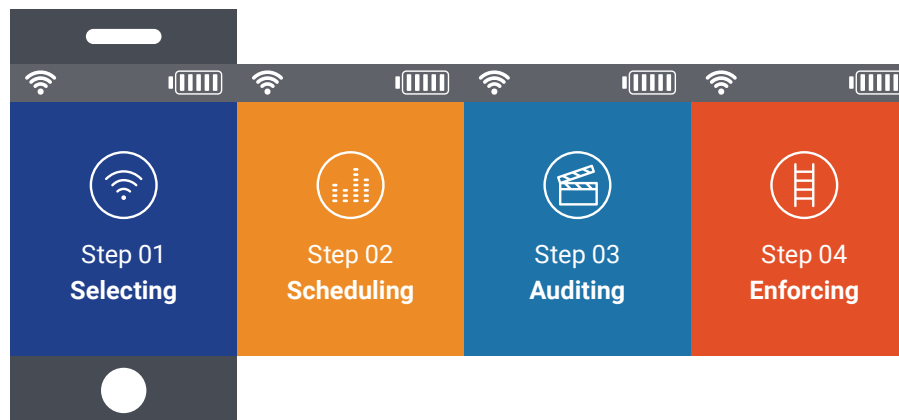
In selecting the works or sites to be inspected our team will use a combination of methods, including random sampling, intelligence-based and ad-hoc.



# Our Audit Approach

Adopting a standardised process is critical to the success of our proactive audit program and ensures participants, consumers and the WA public can maintain confidence in our findings. Over the last four years we have found our audit process to be effective and fit for purpose. We will continue to use the same approach but remain committed to opportunities for improvement and reform. The starting point to our audit process is proper planning and preparation. A comprehensive audit plan will be prepared for each priority in our annual Audit Priorities. We will then follow a process of selecting, scheduling, inspecting and enforcing.

If non-compliance is identified we will support BSPs to understand their requirements and, where necessary, enforcement actions will be escalated, proportionate to risk.



## Selecting

- BSPs and buildings are selected using data insights and public interest notifications.
- Targeted selection of BSP complaints and referrals regarding concerns of suspected non-compliance.
- Re-audits of BSPs which were audited previously and may require a repeat audit.



## Scheduling

- Provide notice and request information from BSPs.
- Determine requirements of the audit (e.g., inspection elements/ points).
- Request additional documents and contact to arrange site visit.



## Auditing

- Conduct inspections (random, targeted and ad-hoc).
- Record details such as observations and photographs.
- Issue snap-shot reports post inspections and provide information and guidance to industry participants.



## Enforcing

- Risk assessment is undertaken and outcome assessed.
- Request proof of rectification where non-compliance was identified.
- Referral to local government permit authority and/or disciplinary or statutory prosecution if no proof of rectification is provided.

# What Success Looks Like in 2030

The table below sets out how we will measure the success of our proactive audit program over the next 5 years against the Building Commissioner's strategic goals.

## Strategic Goals of the Building & Energy Division Audit Team



### 1. Minimise harm through a risk-based approach



### 2. Focus on high-risk aspects of construction and buildings



### 3. Targeted auditing of BSPs to encourage industry participants to perform work correctly and avoid costly mistakes



### 4. Raise the standard of construction by reducing the number of serious defects and complaints



### 5. Maintain Agility in Response to Industry or Regulatory Changes

## Performance Measures

- Ensure our annual Audit Priorities are clearly defined and published
- All annual Audit Priorities are delivered by the end of 2030

- High frequency of audits targeting work on Class 2, 3 and 9 buildings
- High frequency of audits targeting high risk areas of fire safety, egress/access and waterproofing

- Frequency of building engineering audits
- Continued focus on audits of compliance certificates (e.g. certificates of design compliance and certificates of construction requirements)

- Higher percentage of satisfactory elements found in audits than non-satisfactory
- Increased number of community engagements, including reports, bulletins and social media posts

- Audit into compliance with energy efficiency requirements for Class 1 buildings
- Frequency of public interest audits
- Positive public and industry feedback on audit findings



# Appendix A – Outcomes from Prior Audit Strategy 2021 to 2024

The strategy outcomes from the prior audits conducted highlight several areas of satisfactory compliance and key improvements needed in inspection processes. The outcomes detailed adjacent is not a complete list of all the outcomes of the prior audit strategy as there are several audits that are still ongoing. The adjacent statistics indicate the compliance rate for each audit, as guided by prior Audit Strategy and Audit Priority Statements. This demonstrates our commitment to continuous improvement.



**70%**

GIR7 Snapshot- Certificates of Design Compliance Class 7b and 8 workshops and warehouses.



**67%**

GIR9 Snapshot – Management and Supervision Policy.



**58%**

GIR6 Investigation – Waterproofing Wet Areas.



**78%**

CIR4 Building Surveyors – Class 2-9 Buildings Certificate of Design Compliance (CDC) 2021-2023.



**70%**

CIR4 Building Surveyors – Class 2-9 Buildings Certificate of Construction Compliance (CCC) 2021-2023.

\*GIR – General Inspection Report

\*CIR – Compliance Inspection Report

The following are the areas requiring improvement, as highlighted by the GIR and CIR audit reports:

#### GIR7



- Disability access
- Emergency lighting and signage
- Firefighting equipment
- Lift installations
- Sanitary facilities

#### GIR8



- Barrier design documentation
- Application of engineering requirements
- On-site installation practices

#### GIR9



- Building contractors struggle to provide evidence of compliance with the National Construction Code and approved plans

#### GIR6



- Not meeting applicable building standards for wet area waterproofing

#### CIR4



- Structural provision
- Accessibility for people with disability
- Light and ventilation
- Energy efficiency
- Relocatable buildings



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