

## VBA's powers of entry to inspect residential premises

This fact sheet explains the VBA's new powers of entry, information gathering and inspection of residential premises under the *Building Act 1993* (the Act), which commence on 31 January 2018

### THE CHANGES

From 31 January 2018, the VBA will have expanded powers of entry, information gathering and inspection of residential premises under the Act.

### WHY THE CHANGE

The changes will strengthen the VBA's monitoring and compliance powers.

### WHAT THE CHANGES MEAN

#### Consent to Enter Residential Premises

Residential premises means any part of a building that is used as a residence, is occupied and lived in.

To enter residential premises, Authorised VBA Officers will require the consent of the occupier to exercise their powers to search a building, copy documents, seize any item and take samples as evidence.

As part of this process, the occupier will be asked to sign an acknowledgement that they have provided consent.

Should the occupier not provide consent, Authorised VBA Officers may apply to a magistrate for a warrant authorising entry to determine compliance with the Act or Regulations.

This power can be exercised at any time; however prior notice will be provided in most circumstances to arrange a mutually agreeable time for inspections to take place.

Entry to Residential Land or Buildings (not used for Residential Purposes)

Authorised VBA Officers will be able to enter the land surrounding the residence or parts of any building not used for residential purposes without the consent of the building occupier.

### Emergency Entry

Authorised VBA Officers can enter any residential premises without a search warrant where there is risk to the safety of the occupier, the public or an emergency order/plumbing order is in place.

If the Authorised VBA Officer believes there is a risk to safety or significant damage to property, they will have broad powers to investigate, gather evidence and secure documents and samples as required.

### Inspections of Plumbing and Building Work

Authorised VBA Officers will also have the power to require registered plumbers, building practitioners and owner-builders issued with a certificate of consent to attend an inspection of their work. These powers may be used in conjunction with the VBA's powers of entry, if the work to be inspected is located on or within residential premises.

### Failure to Comply

A penalty of **60 penalty units** (approx. \$9,514 as at 1 July 2017) will apply for failing to comply with a requirement of an Authorised VBA Officer exercising their powers under the Act.

### Want to know more?

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Review new and amended sections within the Building Act 1993.

Please submit an enquiry or call us on 1300 815 127.

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[www.vba.vic.gov.au](http://www.vba.vic.gov.au)