

Changes to the appointment of private building surveyors

This fact sheet explains the changes to Part 6 of the *Building Act 1993* (the Act) affecting private building surveyors (PBS) which commence on 31 January 2018.

THE CHANGES

Appointing a private building surveyor

The Act¹ has been amended by introducing a definition of 'related person' specific to partnerships and body corporates.

A 'related person' for a **builder** includes a person in a partnership or an officer of the company if the builder is a company.

The inclusion of this definition extends the restrictions on a builder appointing a PBS regarding domestic building work where the builder is a partnership or is a company.

Offence to accept appointment of private building surveyor if unregistered

From 31 January 2018 it will be an offence² for a person to accept an appointment as a PBS unless registered as a building surveyor and their registration authorises them to carry out the work.

Penalties for breaching section 78A

- **500 penalty units** (approx. \$79,285 as at 1 July 2017), in the case of a natural person.
- **2500 penalty units** (approx. \$396,425 as at 1 July 2017), in the case of a corporation.

Private building surveyor prohibited from delegating functions unless authorised

A new section of the Act³ prohibits a PBS from delegating their functions unless they are authorised to do so by the Act or the Regulations. The PBS may be subject to disciplinary action if this provision is contravened.

Circumstances in which a private building surveyor may not act

The definition of a 'related person' specific to a **private building surveyor** has been amended in the Act⁴.

This results in an expanded definition of 'related person' in relation to the conflicts of interest prohibited by section 79 of the Act and reflects the impending introduction of corporate registration.

The new definition now covers directors of registered bodies corporate, relatives of PBS, contractors of PBS and people with whom a PBS has a contractual relationship that may be seen to give rise to a conflict of interest.

Role of municipal building surveyor outside municipal district

The Act⁵ clarifies that where a municipal building surveyor is acting outside of their municipal district, they are subject to the same requirements as a PBS.

Want to know more?

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

¹ Section 78(1A) & 78(5) of the *Building Act 1993*.

² Section 78A of the *Building Act 1993*.

³ Section 78B of the *Building Act 1993*.

⁴ Section 79(4) of the *Building Act 1993*.

⁵ Section 216C(4)(a) of the *Building Act 1993*.