

Site Inspections and Enforcement

Panel Discussion

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Welcome



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Site Inspections



Who can conduct inspections that are not mandatory notification stages?

When can unregistered inspectors inspect? Can unregistered inspectors work under a registered building inspector ?

Can you explain the requirements for inspectors with regard to the new pool safety inspector category?

Who can inspect building work?

Type/nature of inspection	Who can inspect	What is an inspection?
<p>Mandatory notification stage or reinspection of mandatory notification stage</p> <p>DTF associated with a mandatory notification stage inspection</p>	<p>RBS must cause inspection to be completed by:</p> <ul style="list-style-type: none"> Registered surveyor or inspector (classes of work subject to limitations on registration) Prescribed engineer for prescribed work 	<ul style="list-style-type: none"> Must be in person Must prepare s35A inspection report (reg173) May be requested to provide s238 certificate BS or BI may be authorised by RBS to issue 'oral' DTF
<p>RBS causes inspection (not mandatory notification stage)</p> <p>DTF not associated with a mandatory notification stage inspection</p>	<ul style="list-style-type: none"> Registered surveyor or inspector (classes of work subject to limitations on registration) Building Endorsed Engineer registered in the appropriate class for the work being inspected 	<ul style="list-style-type: none"> May be virtual or under supervision

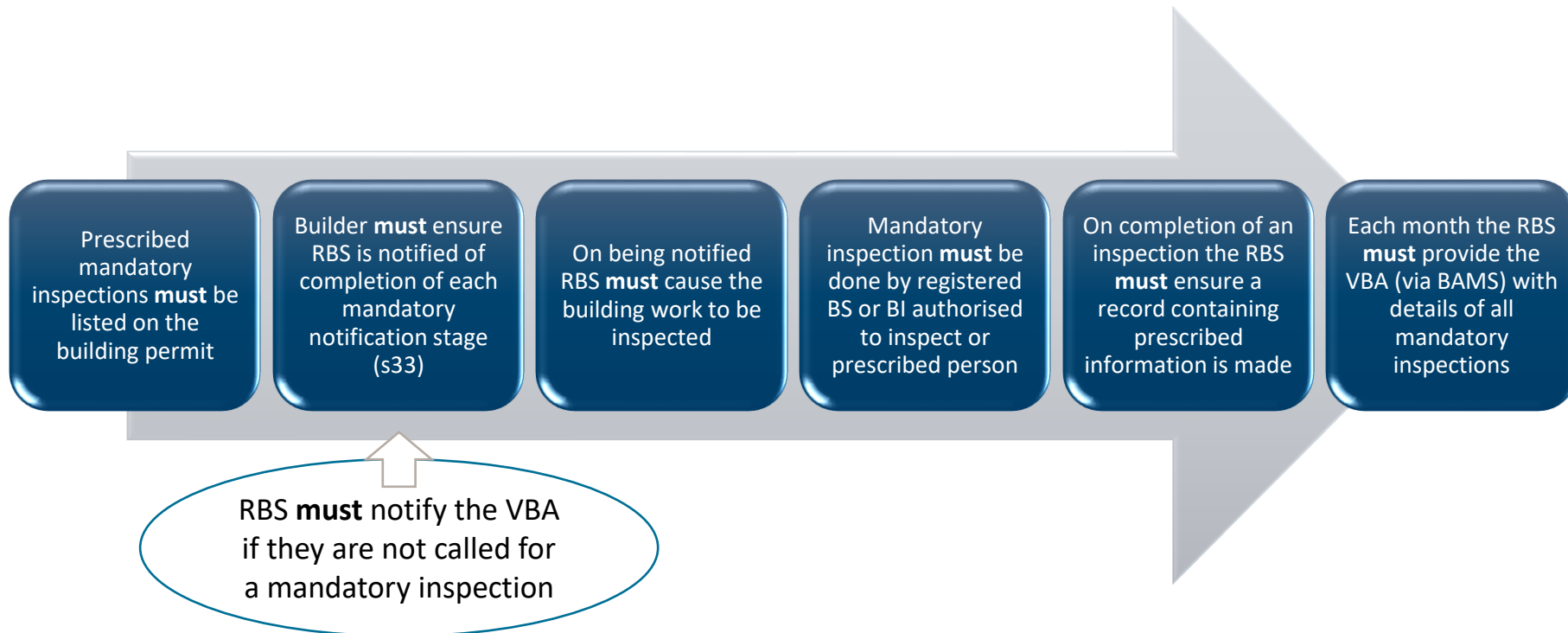
Who can inspect building work?

Type/nature of inspection	Who can inspect	What is an inspection?
Contract inspection by Engineer (not mandatory notification stage, not domestic building work, not requested/caused by RBS)	Building Endorsed Engineer registered in the appropriate class for the work being inspected	<ul style="list-style-type: none"> • Inspection not governed by the Building Act 1993 • May be in person • May be virtual or under supervision^ <p>^refer to Engineers Guidelines on Direct Supervision</p>
Councils – enforcement & compliance Note: Correction from previous presentation	Where MBS is the RBS - Registered surveyor or inspector (classes of work subject to limitations on registration)	<ul style="list-style-type: none"> • May be in person • May be virtual or under supervision
Inspections on behalf of owners e.g. During work, post OP, pre-purchase, defects/quality assurance	Any person (Not statutory function, registration not required)	<ul style="list-style-type: none"> • Inspection not governed by the Building Act 1993 • Registered practitioner may be subject to discipline by the VBA. Code of Conduct applies to Building Surveyors.

Site Inspections and Enforcement

When a builder emails a request to the engineer for inspection, does copying the RBS into the email satisfy the requirements to 'cause' an inspection?

If the RBS causes a mandatory inspection by another practitioner, who should pay?



What does 'causing' an inspection mean?

- RBS **must** be notified at the mandatory notification stage
- RBS would need to be aware of who was inspecting
 - ✓ is the person appropriately registered and suitably experienced?
 - ✓ does the person have a conflict of interest?
 - ✓ RBS has the discretion to refuse to use a person proposed by the builder or owner
- RBS needs to manage the process and quality
 - ✓ Consider what records are required
 - ✓ Is the registered person authorized to issue an oral DtF if required?

Referrals to Authorities

What are the obligations of the RBS when becoming aware of a s16B offence, i.e., commencing work without a building permit (indictable offence)

What are the obligations of the RBS when becoming aware of a s33 breach, i.e., failure to notify of mandatory stage? How and in what format to notify the VBA

Referrals to the VBA

referrals@vba.vic.gov.au

Include relevant clause in the subject line

VBA Enforcement Templates

www.vba.vic.gov.au/building/building-resource-hub/building-templates

Inspection Records

When would you issue a DtF rather than just a site inspection report?

Is a Building Inspector, or Authorised Person, required to provide a Reg 173 Report together with a Reg 126 (s238) Certificate for each mandatory inspection they carry out on behalf of an RBS?

Where a record of inspection must be made, does this need to be provided to the builder before the works move past that stage of inspection? If so, is there a time limit?

Does an inspection report under s35A have the same effect as a s238 certificate?

What does relying on a certificate 'in good faith' mean?

s128 Immunity for building surveyor relying on certificate

A municipal building surveyor or a private building surveyor appointed under Part 6 is not liable for anything done or omitted to be done in good faith in reliance on a certificate given by a registered building practitioner or endorsed building engineer under section 238



Inspections by Engineers

What is the recommended process for seeking to engage a Building Endorsed Engineer to conduct all/part of a mandatory inspection?

What is the status of site instructions issued by engineers or other consultants?

If the design engineer carries out a mandatory inspection, is it considered a conflict of interest ?

Thank you

