

Powers of VBA inspectors to inspect owner-builder projects and documentation

This fact sheet explains what's different in sections 227B and 227C of the *Building Act 1993* (the Act) from 4 July 2016.

THE CHANGES

From 4 July 2016, the Victorian Building Authority's (VBA) power to inspect building work and documentation will extend to building work being carried out by owner-builders.

The power will apply to all owner-builder sites, including sites subject to a certificate of consent issued before 4 July 2016.

WHAT THE CHANGES MEAN

From 4 July 2016, the VBA's powers to inspect building work carried out by a registered building practitioner, will be extended to include owner-builder projects.

The VBA's inspection powers that extend to owner-builder projects from 4 July 2016 include:

- entering any residence or the land on which a residence is situated between the hours of 8 am and 6 pm, on 24 hours' notice (or longer period if agreed with the occupier)
- requiring production of any document that relates to any work being inspected
- making copies of any document that relates to any work being inspected
- requiring supply of any other information or document that relates to any work being inspected, and
- reporting to the VBA, or a person authorised by the Authority, the results of any inspection.

Owner-builders

Owner-builder projects and associated paper work are subject to the same level of scrutiny as building work carried out by a building practitioner. VBA inspectors have functions and

powers under the Act to proactively audit onsite building work and documentation, such as a building contract, building permit and insurance policy.

Therefore, it is important for owner-builders to ensure their building work is being competently carried out in compliance with the Act, the Building Regulations 2018 (the Regulations) and the building permit, and that the appropriate documentation is in place.

Building practitioners

VBA performance auditors will continue to proactively audit onsite building work carried out by building practitioners, along with any documentation associated with the site. Therefore, it is important for building practitioners to ensure their building work is being competently carried out in compliance with the Act, the Regulations and the building permit, and that the appropriate documentation is in place.

Building surveyors

Building surveyors need to be aware that inspections by VBA performance auditors will be conducted on building work being carried out by building practitioners and owner-builders.

Read the revised sections 227B and 227C

227B Functions of performance auditor

- (1) *The function of a performance auditor is to examine work carried out by registered building practitioners or owner builders —*
- (a) *to ensure that the work has been competently carried out and does not pose any risk of injury or damage to any person; and*
 - (b) *to ensure that this Act and the building regulations have been complied with.*
- (2) *The Authority is to determine in its absolute discretion which work is to be examined by a performance auditor.*

227C Powers of performance auditors

- (1) *In carrying out his or her functions under this Division, a performance auditor may—*
- (a) *enter any residence or the land on which a residence is situated between the hours of 8 am and 6 pm; and*
 - (b) *enter any other building or land at any reasonable time.*
- (2) *A performance auditor must give the occupier (if any) of a building or land not less than 24 hours notice, or such other notice as may be agreed with the occupier, before the performance auditor enters the building or land under subsection (1).*

- (3) *In carrying out his or her functions under this Division, a performance auditor may—*

- (a) *require a person who is, or was, a registered building practitioner or an owner builder to produce any document that relates to any work that the auditor is examining; and*
- (b) *make copies of any document that relates to any work that the auditor is examining; and*
- (c) *require a person who is, or was, a registered building practitioner to supply any other information or document that relates to any work that the auditor is examining; and*
- (d) *report to the Authority, or a person authorised by the Authority, the results of any examination he or she conducts.*

Want to know more?

Please [submit an enquiry](#) or call us on 1300 815 127.

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