

Our ref: FOL/15/833

30 July 2015

Ms Nicole D'Rozario  
Coroners Registrar  
Coroners Court of Victoria  
65 Kavanagh Street  
SOUTHBANK VIC 3006

Dear Ms D'Rozario

**INQUEST INTO THE DEATH OF STEPHEN JAMES PEACE  
CORONERS COURT REF: COR 2006 1590**

I refer to your letter dated 30 April 2015 enclosing Coroner Audrey Jamieson's Finding in respect to this matter.

I advise that the Victorian Building Authority (**VBA**) agreed to implement the Coroner's Recommendation and has developed the attached Practice Note to alert and reinforce to builders and persons in charge of building work their obligations under section 33 of the *Building Act 1993*.

The attached Practice Note will be published on the VBA's website and will be reviewed as the need arises.

If you have any queries, please do not hesitate to contact Nafsika Sahinidis, General Counsel at nafsika.sahinidis@vba.vic.gov.au or on 9618 9336.

Yours sincerely



Jarrod Edwards  
**Director Technical & Regulation**

Enc



# Practice Note

## 2015-69

Issued July 2015

## Requirement for Mandatory Inspections

Reference to the Building Code of Australia (BCA) in this Practice Note means Volume One and Volume Two of the National Construction Code Series.

The Building Act 1993 (the Act) and the Building Regulations 2006 (the Regulations) govern the requirements for the administration and governance of Building Permits and the subsequent requirements during construction of buildings.

### 1. PURPOSE

The purpose of this Practice Note is to remind:

- The Relevant Building Surveyor (RBS) to properly provide for mandatory notification stages on building permits;
- The builder to call for inspections without delay after completion of each mandatory notification stage noting that this stage could be reached more than once in each project; and
- The building inspectors properly inspect and **not** approve non-compliant building work.

### 2. BACKGROUND

In recent years there have been many examples of building work not being constructed in accordance with the approved building permit documentation and builders not requesting inspections by the RBS at the mandatory inspection stages of the building work.

In some examples the structure has collapsed and either injured a person or, in one case, caused a fatality.

The Act states that a building permit is required to be issued before building work is undertaken. In some cases, generally very minor work or maintenance, a building permit is not required. These exemptions are detailed in Schedule 8 of the Regulations

An application for a building permit can be made to a Municipal Building Surveyor or a Private Building Surveyor who will then be known as the RBS for that project.

The RBS, upon receipt of an application for a building permit, must assess the documentation for compliance with the Act, the Regulations, and the relevant performance requirements of the National Construction Code (NCC). Before issuing the building permit, the RBS must be satisfied that the proposed building work will comply with the Regulations.

### 3. DUTIES OF THE REGISTERED BUILDING SURVEYOR (RBS)

The RBS is responsible for the issue of the building permit, undertaking the inspections of the mandatory notification stages throughout the construction of the project and issuing the final inspection certificate or occupancy permit.

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On issuing the building permit the RBS must state on the building permit what the mandatory notification stages are for the project that will require an inspection and approval of the building work before continuing to the next stage.

The RBS would also list on the building permit whether a certificate of final inspection or an occupancy permit is required at completion of the building work.

During the on-site inspections, the RBS is required to ensure that the building work is being undertaken in accordance with the approved building permit documents.

## 4. DUTIES OF THE BUILDER DURING CONSTRUCTION

The builder has responsibility to construct the building in a safe manner and in accordance with the approved building permit documentation.

During construction the builder is required to request the RBS to carry out an inspection of the work at the nominated mandatory notification stages as detail on the building permit. It may also be necessary that mandatory notification stages to be reached more than once and therefore the RBS may need to be called more than once for each stage. The RBS would then cause the inspection to take place and building work related to that inspection would not proceed further until the RBS has inspected and approved the work.

It is also critical that the builder has a full set of approved plans and other relevant documents on site for the RBS to view during the inspection.

If the builder proposes to vary the design or construction process in a manner that differs from the approved building permit documents, an amended design must be prepared and provided to the RBS for approval before the inspections are undertaken.

The RBS cannot approve an inspection if the building work does not comply with the approved building permit documents.

Section 35 of the Act also provides a general power for the RBS to cause an inspection of the building work at any time whether or not a mandatory stage has been completed.

## 5. MORE INFORMATION

For more information:

If you have a technical enquiry please email:

[technicalenquiry@vba.vic.gov.au](mailto:technicalenquiry@vba.vic.gov.au) or

phone 1300 815 127

Victorian Building Authority

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