

Summary of changes

The table below summarises the changes arising with the commencement of the Building Amendment (Powers of Entry and Other Matters) Regulations 2017 on the **31 January 2018**. The summary describes what will change because of the new Regulations, in comparison to the status quo.

Building Interim Regulation 2017 number	Changes with the commencement of the Building Amendment (Powers of Entry and Other Measures) Regulations 2017
901A	Specifies the information that must be kept in a record of inspection made for the purposes of section 35A of the <i>Building Act 1993</i> .
901B	<p>Prescribes the classes of inspection and the classes of person that a relevant building surveyor may cause to carry out an inspection under section 34 or 35 of the Building Act.</p> <p>New section 35B of the Building Act provides that a relevant building surveyor may only cause a person to carry out an inspection under section 34 or 35 of the Act if the person is registered as a building surveyor or as a building inspector or is a prescribed person.</p> <p>In addition to a person who is registered as a building surveyor or a building inspector under Part 11 of the Building Act, regulation 901B allows the relevant building surveyor to cause an inspection of prescribed building work to be carried out by a prescribed person in relation to that building work.</p> <p>For example, a building surveyor may cause a fire safety engineer to inspect building work relating to a fire safety matter under section 35 of the Building Act.</p> <p>A record of the inspection of building work must be kept in accordance with section 35A of the Building Act, and include the information specified in regulation 901A.</p> <p>A record of inspection is separate to the register of exercise of powers of entry kept for the purposes of section 230 the Act. The information that must be kept on that register is prescribed in regulation 907.</p>
903(e)	Modifies the inspection requirements for the issue of an emergency order so that a municipal building surveyor is not required to carry out an inspection of the building or place of public entertainment before issuing an emergency order.

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	<p>An emergency order must include the date of any inspection of the building, land or place of public entertainment carried out by the municipal building surveyor before making the order, and the name and qualifications of any delegate of the municipal building surveyor who conducted an inspection before making the order.</p>
<p>904(d); 905(d)</p>	<p>Modifies the inspection requirements for the issue of a building notice or building order so that a municipal building surveyor or a private building surveyor is not required to inspect the building, land or place of public entertainment before issuing the building notice or building order.</p> <p>A building notice or building order must include the date of any inspection of the building, land or place of public entertainment carried out by or on behalf of the relevant building surveyor before serving the building notice or building order, and must specify the name and qualifications of any person who conducted an inspection.</p>
<p>907</p>	<p>Prescribes the information that must be included in a register of the exercise of powers of entry kept for the purposes of section 230 of the Building Act.</p> <p>The information that must be kept for an exercise of a power of entry by a VBA inspector, a compliance auditor appointed under Part 12A, a plumbing inspector, a council, or Energy Safe Victoria is set out in regulation 907(1).</p> <p>The information that must be kept for an exercise of a power of entry by a private building surveyor is set out in regulation 907(2).</p> <p>For an entry made under section 228D of the Act (for example, for the purposes of carrying out an inspection under section 34 or 35 of the Act) a private building surveyor must record the date and time of the entry, the purpose of the entry, the address of the building or land entered, and the names of the persons and registration numbers of any registered building practitioners involved in the exercise of the power of entry.</p> <p>The register kept under section 230 of the Act is separate to the record of inspection kept for the purposes of section 35A of the Act.</p> <p>If a private building surveyor enters a building or land in an emergency under section 228J of the Act, the private building surveyor must keep more detailed information, including a description of the things done, a record of receipts for things seized, whether a police officer provided assistance, and the time of departure.</p>