

Building Regulation

Advisory Note

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Inspections of Building Work by Engineers

It has come to the attention of the Building Control Branch that misunderstanding of the inspection processes in the Act is causing some problems. The *Building Act 2000* provides for mandatory notification to building surveyors for inspections of work in progress as certain stages in the construction project are reached. The mandatory notification stages are listed on the building permit and include:

- Covering in the foundations
- Pouring structural concrete
- Cladding or building in the structural framework
- Completing the building work
- Final Inspection

Additional inspection stages may be required by the building surveyor, depending on the nature of the project, and these also will appear on the building permit.

A builder must advise the relevant building surveyor of the intention to start work by providing the building surveyor with Form 39, (Building Start Work Notice). As the project proceeds, the builder must then notify the building surveyor prior to reaching the defined mandatory inspection stages of the building work.

The building surveyor has the statutory responsibility to decide whether or not to inspect or to 'cause' an inspection to be carried out on their behalf by an employee or an agent. Where the work to be inspected has been designed by an engineer, the engineer (responsible for that part of the design) may be engaged or authorised by the building surveyor to conduct an inspection on their behalf.

As an accredited designer, an engineer may also have a contractual responsibility to the owner to inspect work in progress, but this is distinct from the statutory role performed by a building surveyor.

Authorisation to inspect building work

An engineer does not inspect on behalf of a building surveyor unless specifically authorised to do so. In such an event, the building surveyor would expect the engineer to have the approved plans etc. on site and carry out the inspection in accordance with the building surveyor's brief.

On occasions a building surveyor may choose not to inspect nor 'cause' anyone else to inspect, but may rely instead upon an inspection already carried out by another person such as an engineer. In this case the building surveyor does not direct the inspection but may rely upon it if appropriate. In this circumstance the building surveyor must record the information required by Regulation 31 on the certificate of final inspection.

Inspection of building work commenced illegally

Building Control has been advised that some engineers have performed inspections on building work that has been started without a building permit. Owners and builders who start work without a building permit are in breach of the Act and will be subject to enforcement measures including Notices and Orders and fines. An engineer issuing a Certificate of Others (Form 55) for illegal works does not release the owner from the obligation to follow proper building and plumbing permit processes.

Building Control reminds all engineers that the facilitation of illegal work may be treated as a breach of the Code of Conduct under the Scheme of Accreditation, and that they should be diligent in satisfying themselves that any work they inspect has a building permit, and that a Building Start Work Notice has been provided to the building surveyor.

When illegal work is detected, owners who have started work without a permit will have to go through a process of obtaining permission to proceed from the council, or else might be faced with demolition of the illegal work. Inspections of illegal work by engineers will not assist their clients and may result in them incurring extra professional liability and increased costs for the builder.

Inspections without notification

Some builders are using engineers to inspect footings, building slabs and frames without first advising the building surveyor that these stages have been reached. Engineers who provide such inspections with 'no questions asked' are likely to be viewed as complicit in the builder's breach of the Act. Remember, only the building surveyor can authorise an engineer to carry out an inspection at a mandatory notification stage. These stages are listed on every Building Permit, a copy of which is required to be held on site.

Engineers should ascertain that the appropriate notification to the relevant building surveyor has been made by the builder prior to authorising on-going work.

Inspections without appropriate documentation

Building Control has also been advised that some engineers are inspecting footings, building slabs, structural concrete and frames without reference to the approved documents. Engineers must check that any documentation relating to the work being inspected has been duly approved and stamped by the Permit Authority.

More Information

For details about the *Building Act 2000* and the *Building Code of Australia 2008* contact the Workplace Standards Tasmanian Helpline:

Phone: (in Tasmania) 1300 366 322; Phone: (outside Tasmania) (03) 6233 7657 Fax: (03) 6233 8338

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