



Australian Institute of Building Surveyors

Roles and Responsibilities of Building Surveyors and Building Inspectors

Role of the Building Surveyor

The building control legislative scheme in Victoria comprises the Building Act 1993, the Building Regulations 2006 (Regulations), the Building Code of Australia 2007 (BCA) (which forms part of the Regulations) and relevant Australian Standards (as referenced in the BCA).

Public policy underpinning this legislative scheme is to facilitate and promote the cost effective construction of buildings, the construction of environmentally and energy efficient buildings, to enhance the amenity of buildings and to protect the safety and health of people who use buildings and places of public entertainment.

The Building Act 1993 (Act) creates the roles of private and municipal building surveyors. A municipal building surveyor is a person who is employed by a council, whereas a private building surveyor is a person who operates as a private entity. As building owners generally have limited knowledge as to whether a building design complies with the Act and Regulations, they are required by the legislative scheme to use the services of a building surveyor (either a private or municipal building surveyor) for which they pay a fee determined by the private building surveyor or, in the case of the municipal building surveyor, the relevant council. Both can be appointed by the owner or the owner's agent for a specific building project. When a building surveyor is appointed under the Act, he/she becomes the relevant building surveyor.

The functions of a building surveyor are mandated by legislation irrespective of whether the appointment is private or municipal.

The statutory functions of a relevant building surveyor are to issue building permits, conduct mandatory inspections of buildings and building work and issue occupancy permits or certificate of final inspection (if an occupancy permit is not required for that building work). Building surveyors exercise specific professional skills when they evaluate and assess plans and specifications. They are required to perform their work in a competent manner and to a professional standard.

The Act requires all building surveyors and other major design and construction practitioners to have compulsory professional liability insurance cover as a pre-requisite to practising. Building surveyors must have tertiary qualifications in building surveying and at least four years' practical experience to qualify for registration as a building surveyor.

Victorian Chapter

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The combination of experience, tertiary qualifications and professional liability insurance means that the building surveyor is comparable to other building professionals, such as architects and engineers. The building control legislative scheme is thus designed with the object of ensuring that building surveyors and other registered building practitioners act with a high degree of professionalism and integrity, in order to protect the public.

There is additional legislation in Victoria which is designed to protect the public interest. The Domestic Building Contracts Act 1995 (DBCAs) aims to protect consumers when entering into a contract with a builder who is engaged to carry out domestic building work. Unlike the Building Act, the DBCAs does not confer any functions or obligations on a building surveyor. Building surveyors are not responsible for the level of workmanship, quality of building work, product reliability or warranties implied under contractual arrangements between consumers and builders.

Although building surveyors are responsible for ensuring consistency with planning permits, it is the responsibility of the relevant council to administer and enforce the Planning Scheme applicable under the Planning and Environment Act 1987.

In terms of the actual work performed by building surveyors, before issuing a building permit, a building surveyor assesses the requisite documentation that must be included with an application for a building permit. Building surveyors have a sound knowledge of the Act, Regulations and BCA and provide regulatory advice to ensure that the building permit will substantially comply with the Building Act, Regulations and BCA. Building surveyors ensure that any required consent of a reporting authority is obtained (e.g. fire brigade, council, water authority) and any relevant planning permit or other prescribed approval has been obtained and is consistent with the building permit application.

A building permit is required before any building work can be commenced. Building work may range from the construction of simple sheds, carports and housing additions to large complex structures such as high-rise city buildings and large shopping centres and industrial buildings. Considerable documentation will be required with a building permit application, which will usually include the plans and specifications prepared by architects or architectural draftspersons, and structural, services and fire safety engineering designs.

One aspect of the role of building surveyors is to inspect buildings during construction. They conduct mandatory inspections of building work as it progresses. The role of the building surveyor is to inspect whether the building work complies with the Act, Regulations and the BCA.

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Building surveyors may engage a building inspector to conduct inspections on their behalf however, the building surveyor remains responsible for ensuring that an inspection is properly conducted and that the building or building work complies or substantially complies with the regulations and the building permit. The current mandatory inspections which may be applicable as per the requirements of the Building Regulations 2006 include foundations, in situ concrete members, frame and final inspection. Sometimes additional inspections are required. A building surveyor does not perform the role of a supervisor for a construction project.

When a building project is complete, and following the final mandatory notification stage, the building surveyor must issue an occupancy permit or certificate of final inspection (whichever is applicable) when the building is deemed “suitable for occupation”. The issue of an occupancy permit or certificate of final inspection does not mean or imply that the building work is free from defects or complies with the Building Act, Domestic Building Contracts Act, or Planning and Environment Act. However, it does mean that from that point, the building may be occupied for the purpose for which it was designed and constructed.

In summary, the functions and obligations of building surveyors are prescribed in the building control legislation. Building surveyors play a critical role in achieving the objects of the legislation, especially the need for public safety and protection in relation to the design and construction of buildings in Victoria.

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