

Building projects usually run according to plan but a construction project is a complex undertaking and sometimes difficulties arise in the process. Disputes between a builder and a building owner may occur. An independent domestic building inspection may assist you to resolve the dispute.

If your building contract is dated from 1 July 2002 you can seek assistance from Building Advice and Conciliation Victoria (BACV) by contacting them on 1300 557 559, before applying for a domestic building inspection. The BACV service is often more appropriate to these contracts and may also include conciliation service to resolve the dispute.

## What is a domestic building inspection?

A domestic building inspection determines whether domestic building work performed by the builder is defective. Building work may be defective if it does not comply with the building contract or with implied warranties required by legislation.

The *Domestic Building Contracts Act 1995* allows parties to a building contract, who are involved in a domestic building dispute to request an independent inspection and report.

You can request the Building Commission to conduct a domestic building inspection at any stage either during or after completion of building work. An independent, professional inspector will be appointed by the Building Commission to inspect the building work in dispute. The inspector will only examine items in dispute and will not address non-quality issues (e.g. time delays, costs etc).

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### Need more information?

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What you need to know about

## Domestic building inspections



## How do I apply for an inspection?

An application for a domestic building inspection should be made on an application form available from the Building Commission. An application may be submitted in person or by mail. A copy of the building contract documents and a list of the building items in dispute must accompany the application.

## What does it cost?

The fee for a domestic building inspection is \$300. It must be paid at the time of application. The fee does not cover the cost of any tests, consultations, legal proceedings or services beyond the inspection.

## What is the inspection process?

### Step 1 – Inspection conducted

The inspector will contact both parties to the dispute to arrange a date and time for inspection. This will generally occur within one week after we receive your properly completed application.

Both the builder and building owner are encouraged to attend the site inspection. In most cases the inspector is able to determine whether the work is defective after examining it on site. Sometimes tests or additional consultation may be needed to make this decision. If these are needed they will only be undertaken with the approval of the applicant and will be at the applicant's expense.

Any preliminary discussions or comments made by the inspector are informative only and cannot be relied upon. The inspector's final decision will be presented in the final written inspection report.

### Step 2 – Inspection report issued

After the inspection is concluded and the inspector has had an opportunity to refer to relevant building codes and standards, the inspector will issue the inspection report. A copy of the report will be given to the builder, the building owner and the Building Commission.

If any of the items in dispute do not meet acceptable standards, the inspector will recommend what should be done to rectify the defective work. The legislation does not empower the inspector to direct the builder to rectify these items.

Should the builder fail to comply with the inspector's recommendations, he or she may face disciplinary action from the Building Practitioners Board (BPB). The Building Commission may refer concerns to the BPB or may undertake a prosecution through the Courts when appropriate. The owner can also initiate a hearing at the BPB or request the Building Commission to act on their behalf.

## How can I use the inspection report?

The inspection report may help resolve your dispute as it is an independent assessment of the quality of building work. The inspection report may be used in evidence if the dispute is taken to the Victorian Civil and Administrative Tribunal (VCAT).

## What if a dispute is not resolved?

If your dispute cannot be resolved, either party may take the dispute to the Building Appeals Board (if the dispute concerns the correct application of building regulations), or ultimately, to VCAT. The inspector may be called by either party to give evidence at the hearing.

**If any of the items in dispute do not meet acceptable standards, the inspector will recommend what should be done to rectify the defective work.**