

Public Release – Position Paper 16.2020 – Month 2020

The Industry Association of Building and Property Inspectors in WA Inc – Inspect WA is pleased to announce the release of its Position Paper in April 2020

Background

There were a number of key issues that contributed to the release of this Position Paper:

1. The Real Estate Institute of WA “Australian Standard” Pre Purchase Inspection for Major Structural Defects Annexure is an extraordinarily complex Annexure which in the opinion of the Association is not always understood by the majority of stakeholders associated with the use of the annexure, including many Agents, Buyers and Sellers. This Position Paper only attempts to deal with one issue of this Annexure.
2. The focus of the Annexure is major structural defects on the residential Building. Sadly, the REIWA Annexure does not define “residential Building”.
3. The lack of definition of “residential Building” places inspectors, buyers and sellers with a very difficult task of determining if a major Structural defect is “on the residential building” or on a structure beyond the residential building.
4. The REIWA Clause is also in conflict with AS 4349.1 which requires the areas to be inspected to include: “The inspector shall inspect accessible parts of the building and appurtenances, together with relevant feature of the property within 30 m of the building and within the boundaries of the site, or as otherwise agreed in the inspection agreement”.
5. And further within AS 4349.1 Appendix A the purpose of the inspections is to provide advice to a prospective purchaser or other interested party regarding the condition of the structure of the property. With the Definition of Defects in Appendix A the types of defect to be considered are as described in Section 3. The presence or otherwise of defects shall only be relevant when such defects relate to the structural condition of the building.
6. AS 4349.1 does not define property or building.
7. It is possible for major structural defects to be identified on building structures beyond the residential building (i.e. sheds) or on structures (substantial retaining walls) which are not a component of the residential building.
8. The association has issued a Position Paper (13.2019 Pre Purchase Inspection Report Summary Table) which requires inspectors to define whether or not a Major Structural Defect is on the residential building or beyond the residential building.
9. Given 13,.2019 Inspector Members require Guidance and assistance in determining the boundaries between residential Building and beyond residential building.
10. Inspector members require guidance in deterring is an identified major structural defect is on the residential building or beyond the residential building.

The Associations position is:

1. Member Building Inspector need to define whether or not a Major Structural Defect is on the Residential Building or beyond the residential building when producing a Pre Purchase Building Inspection in Accordance with AS 4349.1
2. Major defects within the following boundaries are considered to be on the residential building
 - a. Everything under the main roof even if added to post initial construction
 - b. Veranda constructed at the same time that the residential building was constructed
 - c. Standalone granny flats
 - d. Alfresco under main roof
 - e. Standalone structures containing habitable rooms in accordance with Building Approvals
 - f. Retaining walls directly associated with the foundations of the residential building
3. Major defects within the following boundaries are considered to be beyond the residential building
 - a. Patios & Pergolas
 - b. Gazebos
 - c. Carports
 - d. Sheds
 - e. Outhouses
 - f. Fences, retaining walls
 - g. Swimming pools
 - h. Garden walls
 - i. Decorative installations
 - j. Retaining walls not associated with the foundations of the residential building

This document is not intended to be Legal Advice. The document is only intended for Members of The Industry Association of Building and Property Inspectors in WA. Where appropriate, readers of the document should seek their own independently legal advice.

Committee
Inspect WA
April 2020