193 Building inspectors
(1) In this Part, "building inspector" means a person appointed for the purposes of this Part as a building inspector for building work.
(2) A person is qualified to be appointed as a building inspector only if the person is a member of a class of persons prescribed by the regulations for the purposes of this section.

194 Obligations of developer
(1) If the initial period of a strata scheme ends not later than 12 months after the completion of building work, the developer of the strata scheme must within that period of 12 months:
   (a) appoint a qualified person as a building inspector to carry out an inspection of, and to report on, the building work and give the Secretary written notice of the appointment not later than 14 days after making the appointment, or
   (b) if the developer fails for any reason to appoint a building inspector within that period of 12 months, give the Secretary written notice of the fact not later than 21 days after the end of that period.
   Maximum penalty: 200 penalty units.

(2) If the initial period for a strata scheme does not end within 12 months after the completion of building work, the developer of the strata scheme must give the Secretary written notice of that fact not later than 21 days after the end of that period. Maximum penalty: 200 penalty units.

195 Approval of building inspector appointment by owners corporation
(1) The developer of a strata scheme must not appoint a building inspector under section 194 to carry out an inspection and to report on building work unless the appointment is approved by the owners corporation by a resolution at a general meeting of the owners corporation. Maximum penalty: 200 penalty units.

(2) If a building inspector proposed to be appointed by a developer to carry out any such inspection has been employed by, or by a contractor of, the developer at any time within the prescribed period preceding the proposed appointment, the developer and the proposed building inspector must disclose that fact to the owners corporation before the owners corporation determines whether or not to approve the appointment. Maximum penalty: 200 penalty units. Notice of other connections is also required to be given to the owners corporation under section 197 (4).

(3) An owners corporation may refuse to approve the appointment of a building inspector on any grounds.

(4) The owners corporation must, not later than 14 days after deciding to approve or refuse to approve the appointment of a building inspector by a developer, give the developer and the Secretary written notice of the decision. Maximum penalty: 5 penalty units.

196 When building inspector for interim inspection arranged by Secretary
(1) On notification by a developer that the developer has not appointed a building
inspector in accordance with section 194 or if the Secretary otherwise becomes aware that a developer has not done so:
(a) the Secretary is to arrange for the appointment of a qualified person as a building inspector to carry out an inspection of, and to report on, the building work in accordance with this Part, and
(b) must give written notice of the appointment to the developer and the owners corporation as soon as practicable after the appointment is made.

(2) An owner of a lot in a strata scheme who objects to an approval of the appointment of a building inspector by the owners corporation may, not later than 14 days after the approval, give the Secretary written notice of the objection and the grounds for the objection.

(3) On receiving the objection, the Secretary may, if the Secretary thinks it appropriate in the circumstances and the building inspector has not carried out an interim inspection:
(a) arrange for the appointment of another qualified person as the building inspector to carry out an inspection of, and to report on, the building work in accordance with this Part, and
(b) give written notice of the appointment to the developer and the owners corporation as soon as practicable after the appointment is made.

(4) The Secretary must give written notice of a decision not to arrange the appointment of a building inspector to the person who made the objection, the developer, the owners corporation and the building inspector approved by the owners corporation.

(5) The appointment of a building inspector arranged by the Secretary under this Part is not required to be approved by the owners corporation.

197 Building inspector must not be connected with developer
(1) The developer of a strata scheme must not appoint a building inspector to inspect building work for the scheme if the building inspector is, or was at any time in the 2 years immediately before the appointment, connected with the developer. Maximum penalty: 200 penalty units.

(2) In addition to the circumstances set out in section 7, a building inspector is "connected" with a developer if the inspector:
(a) has been involved in the design or any aspect of the construction or certification of the building work or any part of the building work to be reported on, or
(b) is connected with any person who has been so involved, or
(c) has a pecuniary interest in any aspect of the building work.

(3) A building inspector is not connected with a developer merely because the inspector has been or is appointed by the developer to carry out a report under this Part on other building work.

(4) A person who is connected with a developer of a strata scheme and who is proposed for appointment as a building inspector under this Part in connection
with that scheme must give written notice of the connection to the person making or arranging the appointment, and to the owners corporation before the appointment. Maximum penalty: 100 penalty units.

198 Obligations of building inspector
(1) A building inspector carrying out functions under this Part cannot and does not represent the interests of the developer of a strata scheme and has a duty to act impartially in carrying out the functions of a building inspector under this Part. This subsection has effect despite any condition of the appointment of the building inspector and whether or not the inspector was appointed by the developer.

(2) A building inspector must not, on an understanding that the building inspector will act otherwise than impartially in the course of the building inspector's functions as a building inspector under this Act, seek or accept, or offer or agree to accept, any benefit of any kind, whether on the building inspector's own behalf or on behalf of any other person. Maximum penalty: 200 penalty units.

(3) A person must not, on an understanding that a building inspector will act otherwise than impartially in the exercise of the building inspector's functions as a building inspector under this Act, give, or offer to give, any benefit of any kind, whether to the building inspector or any other person. Maximum penalty: 200 penalty units.

199 Interim report
(1) A building inspector appointed under this Division is to carry out an inspection of the building work, and provide an interim report, not earlier than 15 months and not later than 18 months after the completion of the building work.

(2) The interim report must:
(a) be in the form and contain the matters prescribed by the regulations for the purposes of this section, and
(b) without limiting paragraph (a), identify any defective building work of a kind required by the regulations to be reported on, and
(c) if reasonably practicable, identify the cause of that defective building work.

200 Obligation to arrange final inspection and report
(1) The developer of a strata scheme must, not later than 18 months after completion of the building work:
(a) arrange for the building inspector who prepared the interim report on the building work to carry out a final inspection of, and provide a final report on, the building work and give written notice to the Secretary of the arrangement not later than 14 days after making the arrangement, or
(b) if the original building inspector is not available, give the Secretary written notice of that fact not later than 14 days after becoming aware that the building inspector is not available, or
(c) make an application to the Secretary under this section.
Maximum penalty: 200 penalty units.
(2) On notification under this section that the original building inspector is not available or if the Secretary otherwise becomes aware that a developer has not complied with subsection (1), the Secretary:
   (a) is to arrange for the appointment of a qualified person as a building inspector to carry out the final inspection of, and provide the final report on, the building work, and
   (b) must give written notice to the developer and the owners corporation of the appointment as soon as practicable after it is made.

(3) The Secretary is not required to arrange for a final inspection and report under this section if the interim report was prepared by a building inspector arranged by the Secretary and the report did not identify any defective building work.

(4) The Secretary may, on application by a developer, determine that the developer is not required to arrange for a final report under this section if the interim report did not identify any defective building work and the Secretary thinks it appropriate in the circumstances of the case to make the determination.

(5) The Secretary must give written notice of any decision that a final inspection and report is not required to the owners corporation and the developer not later than 28 days after the decision is made.

(6) In any case in which a final report is not required, the interim report is taken to be the final report for the purposes of this Part.

201 Final report
(1) A building inspector appointed to carry out a final inspection is to carry out a final inspection of the building work, and provide a final report, not earlier than 21 months and not later than 2 years after the completion of the building work.

(2) The final report must:
   (a) be in the form and contain the matters prescribed by the regulations for the purposes of this section, and
   (b) without limiting paragraph (a), identify defective building work identified in the interim report that has not been rectified, and
   (c) identify any defective building work arising from rectification of defective building work previously identified in the interim report, and
   (d) specify how the defective building work identified in the report should be rectified.

(3) The final report must not contain matters that relate to defective building work not identified in the interim report, other than work arising from rectification of defective building work identified in the interim report.

202 Persons who are to be provided with copies or notice of reports
(1) A building inspector must give a copy of an interim report or a final report to the following persons not later than 14 days after completing the report:
   (a) the developer,
   (b) the owners corporation, if the initial period has ended,
(c) the Secretary,
(d) the builder responsible for any defective building work identified in the report.

(2) An owners corporation must give written notice to the owners of lots in the strata scheme of the receipt of an interim report or a final report on building work in connection with the scheme not later than 14 days after receiving the report.

(3) The notice must contain the particulars, if any, prescribed by the regulations for the purposes of this section.

Maximum penalty: 5 penalty units.

203 Powers of building inspector
(1) A building inspector appointed to prepare a report under this Division may enter and inspect any part of the parcel of the strata scheme.

(2) The building inspector must give at least 14 days written notice to the owners corporation and the owner and any occupier of any affected lot of an intention to enter any part of the parcel of the strata scheme.

(3) The owners corporation, any person who has exclusive use of common property, a strata managing agent, any building manager or manager of the common property and any owner or occupier of a lot must provide any assistance that is reasonable to enable an inspection to be carried out in accordance with this Division.

(4) A person must not, without reasonable excuse, refuse a building inspector access to any part of the parcel of a strata scheme or a lot in the strata scheme, or obstruct or hinder a building inspector, in the exercise of the inspector's functions under this Act.

Maximum penalty: 10 penalty units.

204 Costs of reports and appointment
(1) The costs of obtaining an inspection and report by a building inspector under this Division are to be borne by the developer, whether or not the building inspector was appointed by the developer.

(2) The regulations may provide for the fees that may be charged for an inspection or a report under this Division.

(3) The regulations may provide for a fee for the arrangement by the Secretary of the appointment of a building inspector under this Division.

205 Effect of inspection report
(1) A report prepared under this Division must be considered by the Tribunal for the purposes of determining a building claim under Part 3A of the Home Building Act 1989 and by any other court in proceedings relating to the building work the subject of the report, if the report is brought to the attention of the Tribunal or the court in the proceedings.

(2) The report does not bind the Tribunal or court.

206 Rectification of defects
(1) The builder who is responsible for defective building work, or an employee, agent or contractor of any such person, (the "builder") may, at any time after the completion of the building work, enter any part of the parcel of the strata scheme that the person may reasonably require for the purpose of or in connection with rectifying the building work. See sections 122 and 123 for other powers to enter the parcel of a strata scheme.

(2) The builder must give at least 14 days written notice to the owners corporation, the developer and the owner and any occupier of any affected lot of an intention to enter any part of the strata parcel for the purpose of or in connection with rectifying defective building work.

(3) A builder who enters a lot after giving notice in accordance with this section may enter the lot only at a time that is reasonable in the circumstances or at a time agreed with the owner or, if the owner is not the occupier of the lot, the occupier.

(4) The builder is not bound by any provision of a report under this Division for the purpose of or in connection with rectifying defective building work.

(5) A person must not, without reasonable excuse, refuse access to a builder to any part of the parcel of the strata scheme or a lot in a strata scheme if that access is permitted by this section. Maximum penalty: 10 penalty units.

(6) The duty under section 18BA of the Home Building Act 1989 to allow reasonable access does not require a builder to be given reasonable access to the parcel of a strata scheme at any time while a building inspector is carrying out a final inspection under this Part on any part of the parcel.

(7) If the builder who is responsible for defective building work is unavailable because the builder has died, is insolvent, has ceased to exist or is unavailable for any other reason prescribed by the regulations for the purposes of this section, the developer may appoint another person to rectify building work under this section. Any such person is taken to be the builder for the purposes of this section.