

<p>The Industry Association of Building and Property Inspectors in WA Inc – Inspect WA</p>		
<p>Position Paper Number 1 April 2022 Title: Restricted Access / Limitations</p>		
Subject	Restricted Access / Limitations	
Association Position	<p>It is necessary that the inspector inform the client during the agreement phase of limitations that may restrict the full achievement of the client's purpose of inspection.</p> <p>There will always remain the possibility of unexpected limitations that will be apparent only when the inspector visits the property.</p> <p>All limitations experienced by the inspector during the inspection should be recorded in the report along with a recommendation to gain access to that area / remove the limitation should the client's purpose of inspection not be met.</p> <p>It is the association's view that if the inspector informed the client during the agreement phase of proposed limitations and some limitations restricted the inspection for the clients purpose and should the client request a return trip to the property after the limitation has been remedied, then inspector is entitled to charge an additional fee to reattend the property.</p>	
Date Preparation Commenced	1 April 2022	
Date Provisional Approval by Committee for Release to Members for Comment	15 April 2022	
Final Approval by Committee and Release to Members	28 April 2022	
Why was the Paper Released?	<p>This paper was released so inspectors understood the requirement during the agreement phase and inspection to inform their client of any limitations that may restrict the inspection for the client's purpose.</p> <p>Some inspectors have reported an expectation from the clients (and Agents) to re-attend site once the limitation had been remedied to complete the inspection free of charge. Recent changes to WA Industrial Manslaughter Laws have placed an increased focus on OH&S obligations in WA.</p>	
Key Definitions		
AS 43491	2.3.2	<p>Areas for inspection</p> <p>The inspection shall cover all accessible areas. the client shall arrange right of entry facilitate physical entry to the property and supply necessary information to enable</p>

		<p>the inspector to undertake the inspection and prepare the report. The inspector is not responsible for arranging entry to property or parts of the property.</p> <p>Areas where reasonable entry is denied to the inspector or where reasonable access is not available are excluded from and do not form part of the inspection.</p> <p>Note: Those areas may be the subject of an additional inspection following the provision of reasonable entry and access (also see clause 3.2)</p>												
	2.3.3	<p>Inspection process</p> <p>Inspection shall comprise visual appraisal and limited assessment of serviceability.</p>												
	2.3.4	<p>Limitations</p> <p>Limitations that are reasonably expected to be present all that reasonably may occur shall be identified.</p> <p>Notes:</p> <ol style="list-style-type: none">1. The inspector may be able to anticipate many limitations of an inspection.2. Known limitations relating to access should be included.												
	3.2.2	<p>Safe and reasonable access.</p> <p>The extent of accessible areas shall be determined by the inspector at the time of inspection based on the conditions encountered at the time of inspection. The inspector shall also determine whether sufficient space is available to allow safe access.</p> <p>Inspection shall include only accessible areas and areas that are within the inspector’s line of sight and close enough to enable reasonable appraisal. Reasonable access shall be determined in accordance with the provisions of table 3.2.</p> <p>The inspector shall inspect an elevated area only when –</p> <ol style="list-style-type: none">(a) It is at a height at which safe reasonable access is available or where safe and reasonable access is otherwise available.(b) An unobstructed line of sight is present from safe use of a 3.6 metre ladder and the building elements present are close enough to allow appraisal. <p>Note: ‘Elevated area’ Includes the roof, roof space, crawl space, landing feature and the like generally elevated above the ground and not intended for normal use by occupants.</p> <p style="text-align: center;">TABLE 3.2</p> <p style="text-align: center;">DIMENSIONS FOR REASONABLE ACCESS</p> <table><tr><th>Area</th><th>Access hole mm</th><th>Crawl space mm</th><th>Height</th></tr><tr><td>Roof interior</td><td>400 × 500</td><td>600 × 600</td><td>Accessible from a 3.6 m ladder</td></tr><tr><td>Roof exterior</td><td>—</td><td>—</td><td>Accessible from a 3.6 m ladder placed on the ground</td></tr></table>	Area	Access hole mm	Crawl space mm	Height	Roof interior	400 × 500	600 × 600	Accessible from a 3.6 m ladder	Roof exterior	—	—	Accessible from a 3.6 m ladder placed on the ground
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		<p>Notes:</p> <ol style="list-style-type: none"> 1. Reasonable access does not include the cutting of access holes or the removal of screws and bolts or any other fastenings or sealant to access covers. 2. Subfloor areas sprayed with chemicals should not be inspected unless it's safe to do so. 3. Roof Spaces should not be accessed unless the inspector who is performing work for reward (worker) has turned off (de-energise) the main electrical switch, before entering the roof space of your home. The power must not be turned on again until the worker has completed their work and exited the roof space.
Key Issues for Consideration		<p>Inspection agreements should be sent to the client outlining possible limitations prior to the inspection taking place. The limitations section of the agreement should document all limitations and restrictions likely to be incurred during the inspection.</p> <p>Any limitations and restrictions observed during the inspection should be recorded on the report. Other inspections should be recommended on the report. i.e. invasive inspection of wall lining / floor access hole sealant removal if additional inspection will enable an inspection that meets the client's original requirements. By the inspector recommending other inspections the client can assess themselves whether an additional trip and / or inspection is required.</p>
Additional Reference Material		<p>DMIRS correspondence relating to new safety regulations electricity must be switched off before entry into your roof space. Appendix 1.</p>
Disclaimer		<p>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</p>

Signed Chairman

The Industry Association of Building and Property Inspectors in WA – Inspect WA

Appendix One



Government of **Western Australia**
Department of **Mines, Industry Regulation and Safety**

To the owner/resident

NEW SAFETY REGULATIONS

ELECTRICITY MUST BE SWITCHED OFF BEFORE ENTRY INTO YOUR ROOF SPACE

The Department of Mines, Industry Regulation and Safety takes great care in helping to protect the health and safety of all workers in Western Australia. As the WorkSafe Western Australia Commissioner I have produced this letter, to inform residents of the need to switch-off all electricity before a worker enters a roof space.

The Occupational Safety and Health Regulations 1996 were updated on 14 May 2018. It is now mandatory for a tradesperson or professional who is performing work for reward (worker) to turn off (de-energise) the main electrical switch, before entering the roof space of your home. The power must not be turned on again until the worker has completed their work and exited the roof space.

All workers in Western Australia must comply with these new regulations. This applies to all work (not just electrical work) carried out within the roof space of residential premises and commercial premises that have been converted from residential premises. This requirement does not apply to work carried out on top of the roof of a property.

Examples of work that might be done in the roof space include:

- electrical work (including cabling);
- gasfitting;
- plumbing;
- installation, upgrade or removal of insulation;
- building security, structural and vermin inspection activity;
- roof and ceiling repair; and
- any other activity in the roof space.

The requirement does not apply to electrical work when there is no other practical way the work can be conducted without power (such as testing) where the electrician is required to undertake a risk analysis and prepare a safe work method statement, before commencing work.

Electricity is unforgiving and far too many serious shock accidents and fatalities have occurred in Australia due to damaged electrical installations in roof spaces. I trust you agree that safety is the first priority and understand why workers must switch off the electricity supply to your house. With sufficient planning, there is no reason for power to remain on while work is conducted in your roof space.

Thank you for your cooperation.

Yours sincerely

Ian Munns
WorkSafe Western Australia Commissioner

20 June 2018

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Postal address: Locked Bag 14 Cloisters Square WA 6850
Enquiries: 1300 307 877
www.dmir.wa.gov.au

1. Public Release Template



Public Release – Position Paper 04.2022

The Industry Association of Building and Property Inspectors in WA Inc – Inspect WA is pleased to announce the release of its Position Paper on Restricted Access / Limitations.

Background

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

1. So, inspectors understood the requirement during the agreement phase and inspection to inform their client of any limitations that may restrict the inspection for the client's purpose.
2. Some clients (and Agents) have an expectation of the inspector to re-attend site once the limitation had been remedied to complete the inspection free of charge.
3. Recognise recent changes to the WA Industrial Manslaughter Laws.

The Associations position is:

1. Inspection agreements should be sent to the client outlining possible limitations prior to the inspection taking place.
2. Any limitations and restrictions observed during the inspection should be recorded on the report.
3. Inspectors must not access area of the property which would otherwise contravene the Australian Standards and or WA OH&S requirements. These limitations included:
 - a. Not accessing sub floor or roof spaces (confined spaces) where minimum access openings and crawl spaces are not available
 - b. Not accessing roof covers or roof spaces where access
 - c. Not accessing roof spaces sub floor or roof spaces where all sources of power (mains, solar and or battery) cannot be isolated prior to entering the sub floor or roof spaces.
4. Other inspections should be recommended on the report. i.e. invasive inspection of wall lining / floor access hole sealant removal if additional inspection will enable an inspection that meets the client's original requirements.
5. By the inspector recommending other inspections the client can assess themselves whether an additional trip and / or inspection is required.
6. The client should pay the inspector for any return visits if items 1 and 2 have been completed, and a return trip is requested.

The Association recommends that Building Inspector Members inform their clients of restrictions and limitation both at the agreement (pre inspection) stage and inspection stage.

The Association recommends that's Building Inspector Members charge their clients for any additional site visits / inspections.

Committee
Inspect WA
April 2022