

## Internal review of VBA decisions

### What is internal review?

Internal review is a process that gives an *affected person* the right to seek review of a *reviewable decision* made by the Victorian Building Authority (VBA) under the *Building Act 1993* (the Act).

If an application for internal review is made, it will be assessed by a senior VBA employee (Reviewer) who has **not been involved** in making the *reviewable decision* or in the matters that gave rise to the *reviewable decision*.

The Reviewer must conduct the internal review on the material that was before the VBA when the *reviewable decision* was made, and any other information that the Reviewer is satisfied is relevant and was not available at the time the *reviewable decision* was made.

The VBA must give the affected person a reasonable opportunity to make a written or oral representation to the Reviewer.

Following the internal review process, the Reviewer will make a decision to either:

- affirm the reviewable decision, or
- amend the reviewable decision, or
- substitute another decision for the reviewable decision.

### What is a 'reviewable decision'?

A *reviewable decision* is a decision made by the VBA under the Act to:

- refuse to grant registration
- impose a condition(s) on registration
- refuse to renew registration
- immediately suspend registration
- take disciplinary action
- give a direction under section 205M of the Act, or

- any other decision prescribed in Regulations.

At date of publication no decisions have been prescribed.

### Who is an 'affected person'?

An *affected person* is a person directly affected by a reviewable decision.

An *affected person* cannot apply for internal review of a *reviewable decision* that has been made by the VBA Chief Commissioner or Chief Executive Officer. In such cases, the registered building practitioner (practitioner) may apply to the Victorian Civil and Administrative Tribunal (VCAT) for review of the VBA's decision. See [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au) for information about making a VCAT review application.

### How long do I have to make an application for internal review?

Once a person receives notice of a *reviewable decision*, an *affected person* has 28 days to apply to the VBA for internal review of that decision.

The VBA may extend this period in special circumstances under section 185(4) of the Act.

Applications for internal review outside of the 28 day time limit must be accompanied by a completed **Application for Extension of Time to Apply for Internal Review Form**.

### What should I include in my internal review application?

Section 185(5) of the Act requires that all internal review applications must be made in writing and state fully the grounds for making the application. You should also include any further relevant information that has not already been provided to the VBA to assist the Reviewer to make a decision.

### **Do I have to provide the same information for internal review as I did for the show cause process?**

No. The VBA will review all of the relevant information it holds that was part of the original show cause process, along with any new or further information provided by you as part of the internal review application process.

### **What is a written representation?**

A written representation is a document prepared by an *affected person* responding to a *reviewable decision* setting out why the *reviewable decision* should be amended or substituted by the Reviewer. The VBA will maintain a record of the written representation on file for any potential external review at a later date, if required.

### **What is an oral representation?**

An oral representation is a face-to-face meeting between an *affected person* and the Reviewer. The purpose of the oral representation is to give the affected person an opportunity to verbally explain why the Reviewer should amend or substitute the *reviewable decision*. The VBA will record the oral representation for any potential external review at a later date, if required.

### **Can I skip the VBA internal review process and go straight to VCAT?**

An affected person may skip the VBA internal review process and apply directly to VCAT for review of a reviewable decision to immediately suspend, suspend or cancel their registration.

See [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au) for further information about making a VCAT review application.

### **How will I find out about the Reviewer's decision?**

An internal review notice will be sent by registered post to the affected person's address outlining the internal review decision.

### **What if I don't agree with the Reviewer's decision?**

An affected person who is dissatisfied with an internal review decision may make a review application to the VCAT.

See [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au) for further information about making a VCAT review application.

### **Why hasn't the immediate suspension been put on hold during the internal review process?**

Section 185(7) of the Act provides that an internal review application does not stay the operation of a decision to immediately suspend a practitioner's registration.

### **Want to know more?**

Please [submit an enquiry](#) or call us on 1300 815 127.

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