

## Changes to practitioner disciplinary process

This fact sheet explains the new and changed provisions of the *Building Act 1993* (the Act) relating to the disciplinary process, that commence on 1 September 2016.

### THE CHANGES

From 1 September 2016, the Building Practitioners Board (BPB) will be abolished and the functions exercised by the BPB will be transferred to the Victorian Building Authority (VBA).

The Act requires the VBA to undertake a show cause process where the VBA reasonably believes a ground(s) exists for taking disciplinary action before making a final decision to take the proposed disciplinary action. This process involves the VBA issuing a show cause notice to a registered building practitioner (practitioner).

A practitioner who is dissatisfied with a decision by the VBA to take disciplinary action following a show cause process can seek internal review of the decision to take disciplinary action, and review of an internal review decision by the Victorian Civil and Administrative Tribunal (VCAT).

### WHAT THE CHANGES MEAN

From 1 September 2016, a new process will be administered by the VBA in relation to the taking of disciplinary action against practitioners.

The BPB will continue to consider disciplinary matters until 31 August 2016, at which point the VBA will take over responsibility for taking disciplinary action against practitioners.

All matters in relation to which a notice of inquiry has been formally issued to a practitioner prior to 1 September 2016 will remain the responsibility of the BPB until the inquiry has been concluded.

All inquiries commenced by the BPB, but not concluded prior to 1 September 2016, will also remain the responsibility of the BPB.

### What is changing?

From 1 September 2016, disciplinary proceedings for building practitioners will change significantly.

There is no change to disciplinary proceedings for practitioners where:

- the practitioner has already been issued with a BPB notice of inquiry prior to 1 September 2016; or
- the inquiry process for a matter has otherwise been commenced by the BPB prior to 1 September 2016.

Note: There is also no change to the prosecution process, whereby a practitioner has been issued with charges to appear in a court in relation to alleged offences under the Act or regulations.

### New show cause process

From 1 September 2016, following an investigation, the VBA will consider a matter and where the VBA reasonably believes a ground(s) exists for taking disciplinary action, the VBA will issue a show cause notice to the practitioner.

The show cause notice will set out the following information:

- that the VBA proposes to take disciplinary action
- the type of disciplinary action proposed to be taken
- the registration in relation to which the proposed action is to be taken
- the ground(s) for the proposed action
- an outline of the facts and circumstances forming the basis for the ground for the proposed action

- an invitation to the practitioner to say why the proposed action should not be taken.

See the **Show Cause Process Practitioner Guide** and **Frequently Asked Questions** for more detailed information on this process, rights and important information about deadlines.

### New review rights in relation to disciplinary action

From 1 September 2016, the review rights of practitioners who are the subject of a decision to take disciplinary action will change significantly.

The Act enables a practitioner, who is directly affected by a *reviewable decision* made by the VBA (known as an *affected person*), to seek internal review of that decision by a senior VBA decision maker.

The internal review process is intended to give an *affected person* access to a fast and inexpensive process of review of *reviewable decisions* made by the VBA.

See the **Internal Review Process Practitioner Guide** and **Frequently Asked Questions** for more detailed information on this process, rights and important information about deadlines.

A practitioner may also apply directly to the VCAT, without going through the VBA internal review process, for review of a decision to **immediately suspend, suspend or cancel a practitioner's registration**.

A person who has applied for internal review of a reviewable decision and is dissatisfied with the review decision may apply to VCAT for review of the internal review decision.

The contact details for VCAT are:

VCAT (Review and Regulation List)  
55 King Street  
Melbourne Vic 3000  
03 9628 9755  
[www.vcat.vic.gov.au](http://www.vcat.vic.gov.au)

### Want to know more?

Please **submit an enquiry** or call us on 1300 815 127.

Victorian Building Authority  
733 Bourke Street Docklands VIC 3008

[www.vba.vic.gov.au](http://www.vba.vic.gov.au)

**IMPORTANT:** This document is intended for general information only.