

## Conditions on registration

This fact sheet explains the new section 170A of the *Building Act 1993* (the Act) that commences on 1 September 2016.

### THE CHANGE

From 1 September 2016, the Victorian Building Authority (VBA) will have the power to impose mandatory conditions on a building practitioner's registration. This change requires the VBA to impose conditions prescribed in the Building Regulations 2018 (if any).

The VBA can also impose any other condition on a practitioner's registration it considers appropriate in the circumstances.

### WHAT THE CHANGE MEANS

From 1 September 2016 a mandatory condition will apply to all registrations which is that a building practitioner must not allow another person to use their registration certificate issued by the VBA.

Conditions that the VBA may consider imposing on a practitioner's registration include (but are not limited to):

- requiring a practitioner to increase knowledge of a particular topic
- requiring a practitioner to address concerns of competency and professional standards
- requiring certain work to be completed under supervision
- imposing limits on the volume of building work that a practitioner may undertake.

The VBA may impose a condition on a practitioner's registration:

- as part of its registration function at the time of a practitioner applying for or renewing their registration
- as part of its discipline function, at any time.

### What if the VBA considers that a condition should be imposed?

The VBA's power to impose a condition it considers appropriate must be exercised within the rules of natural justice.

Where the VBA **proposes** to impose a discretionary condition, it will:

- notify the practitioner in writing of the intention to impose a condition on their registration, the terms of the proposed condition, and reasons for the proposed condition, including the nature of any concern relating to competency, suitability or non-compliance
- give the practitioner a reasonable opportunity to respond to the proposed condition, express their views and/or provide further information as to why the proposed condition should not be imposed.

The VBA will consider the practitioner's response and any further relevant information. If the VBA decides to impose the condition, it will notify the applicant in writing of its decision and reasons for decision.

### How do I challenge the decision?

The notice of the decision will include the review rights available to the practitioner. These include the right to internal review and review at VCAT. Read more about internal review. {Link to fact sheet}

### Read the new section 170A

*The Authority—*

- a) must impose on a registration any prescribed conditions; and*
- b) may impose on a registration any other conditions that the Authority considers appropriate for the registration.*

### Want to know more?

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

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