

## Changes to gathering information via a court order

This fact sheet explains the VBA's powers of information gathering via court order, prescribed under the *Building Act 1993* (the Act) commencing 31 January 2018

### THE CHANGES

From 31 January 2018, the VBA will have the power to request the production of documents and information via court order.

The changes will strengthen the VBA's monitoring and compliance powers.

### WHAT THE CHANGES MEAN

VBA Inspectors, Plumbing Inspectors and Compliance Auditors (Authorised VBA Officers) may seek a court order if they believe on reasonable grounds that a person has contravened the Act or Regulations.

A court order may require that, at a time and place specified on the order, the person identified can be required to:

- answer questions and supply information verbally or in writing; and/or
- produce specified documents or specified types of documents.

Any subsequent court order will be valid for 28 days or as otherwise specified.

Authorised VBA Officers can examine and take copies of any document produced under the order. The document may be seized if they believe it is necessary as evidence for an alleged contravention of the Act.

If any document is seized, the person will be given a receipt stating what the document is, the reason why it was seized and by whom. In addition, as soon as practicable, the person will be given a certified true copy of the document.

### PROCESS ONCE DOCUMENTS ARE SEIZED

If an Authorised VBA Officer seizes a document, reasonable steps must be taken to return the document if the reason for seizure no longer exists.

The maximum period the VBA can hold a seized document without commencing court proceedings is 12 months, or as otherwise directed by a Magistrate.

Once proceedings have commenced, the document may be held until their completion.

#### Want to know more?

Review new and amended sections within the Building Act 1993.

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

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