

File Number

FORM 10
Building Act 1993

Regulation 178, Building Regulations 2018

EMERGENCY ORDER

This emergency order is made under section 102 of the **Building Act 1993**.

***WARNING:** THIS ORDER HAS BEEN SERVED IN ACCORDANCE WITH SECTION 236(4A) OF THE **BUILDING ACT 1993**. UNDER SECTION 236(7) OF THAT ACT, IT IS AN OFFENCE FOR A PERSON TO REMOVE OR DEFACE THIS ORDER WITHOUT THE PRIOR CONSENT OF THE RELEVANT BUILDING SURVEYOR, THE RELEVANT COUNCIL OR THE VICTORIAN BUILDING AUTHORITY. THE MAXIMUM PENALTY FOR THIS OFFENCE IS 500 PENALTY UNITS FOR A NATURAL PERSON AND 2500 PENALTY UNITS FOR A BODY CORPORATE.

TO:

The ***owner, *occupier, *builder, *person or class of person:**
Full name or class of person

Of:
Address for service on the owner, occupier, builder or person or class of person

***AND TO:**

***Any other person or *class of person:**
Name or class of person

Of:
Address for service on person or class of person

FROM:

I am the municipal building surveyor of
Insert name of Municipal District

The municipal building surveyor is authorised to cause an emergency order to be served on the ***owner/*occupier/*builder** of the ***building/*land/*place** of public entertainment to which this order applies under Division 1 of Part 8 of the **Building Act 1993**.

PROPERTY DETAILS:

Location of the ***building/*land/*place** of public entertainment to which this order applies:

Address:
Number Street City/Suburb/Town Postcode

Title Particulars:
Lot/s LP/PS Volume Folio

.....
Crown Allotment Section Parish County

Municipal District:

ORDER:

I, being the municipal building surveyor, order that:

*1. By _____ on _____, the *owner/*occupier of
[insert time] [insert date]

[insert description and address of building, land or place of public entertainment]

must evacuate the *building/*land/*place of public entertainment.

*2. By _____ on _____, _____
[insert time] [insert date] [specify the person or class of person served with this order]

must vacate the *building/*land/*place of public entertainment

[insert description and address of building, land or place of public entertainment]

Note: This order may only be made if order 1 is made.

*3. At _____ on _____, entry into the *building/*land/*place of public entertainment
[insert time] [insert date]

[insert description and address of building, land or place of public entertainment] by

_____ is prohibited for a period of
[specify person or class of person served with this order]

[insert period of time of prohibition]

*4. At _____ on _____, use of the *building/*land/*place of public entertainment
[insert time] [insert date]

[insert description and address of building, land or place of public entertainment] by

_____ is prohibited for a period of
[specify person or class of person served with this order]

_____ for _____
[insert period of time of prohibition] [specified prohibited use]

*5. At _____ on _____, occupation of the *building/*land/*place of public
[insert time] [insert date]

entertainment _____ by
[insert description and address of relevant building, land or place of public entertainment]

_____ is prohibited for a period of
[specify person or class of person served with this order]

[insert period of time of prohibition].

*6. The *owner/*occupier of the place of public entertainment

[insert description and address of place of public entertainment]

must not conduct nor allow the conduct of a public entertainment at this place of public entertainment.

*7. The *owner/*occupier of the place of public entertainment

[insert description and address of place of public entertainment]

must immediately cease to conduct *all/*specified public entertainment

_____ at this place of public entertainment.
[specify public entertainment to be ceased if applicable]

*8. By _____ on _____, the *owner/*occupier must stop building work on the
[insert time] [insert date]
*building/*land/*place of public entertainment

_____ that is
[insert description and address of building, land or place of public entertainment]

[insert description of building work that must stop]

*9. By _____ on _____, the *owner/*occupier of _____
[insert time] [insert date] [insert description and address of building, land or place of public entertainment]
must carry out the following building work or other work

[insert detailed description of building work or other work required to be carried out by this order]
to make the *building/ *land/*place of public entertainment safe.

*10. By _____ on _____, the *owner/*occupier of _____
[insert time] [insert date]

[insert description and address of building, land or place of public entertainment]
must carry out the following building work or other work

[insert detailed description of building work or other work required to be carried out by this order]
to secure the *building/ *land/*place of public entertainment from access.

*11. By _____ on _____, the owner must cause the *building/*land/*place of public
[insert time] [insert date]
entertainment _____
[insert description and address of relevant building, land or place of public entertainment]

to be inspected by _____.
[name of specified person]

*12. By _____ on _____, the *owner/*builder must cause _____ used in
[insert time] [insert date] [specified material]
the *building/*land/*place of public entertainment

_____ to be tested by _____
[insert description and address of building, land or place of public entertainment] [name of specified person]

*13. By _____ on _____, the *owner/*builder must cause _____
[insert time] [insert date] [insert the building product or material]
used in the building _____
[insert description and address of building]

to be destructively tested by a prescribed testing authority.

14. The *owner/*builder must provide the results of the destructive testing to *the municipal
building surveyor/* _____ within
[name and address of other person authorised by the municipal building surveyor to receive the results]
_____ after the prescribed testing authority completes the destructive testing.
[specified time]

***INSPECTION DETAILS:**

*The date and time of any inspection of the *building/*land/*place of public entertainment carried out by me, as the municipal building surveyor, are:

Time of inspection: **Date of inspection:**

[list any inspections carried out by municipal building surveyor]

*The date and time of any inspection of the *building/*land/*place of public entertainment relied on by me as the municipal building surveyor for the purpose of making this order, and the name and qualifications of the person or persons who conducted the inspection, are:

Time of inspection: **Date of inspection:**

Inspected by:
	Name	Qualifications/Job title	RBP number

[List details of any inspections relied on by the municipal building surveyor]

REASON(S) WHY THIS EMERGENCY ORDER WAS MADE:

In accordance with section 102 of the **Building Act 1993**, I am of the opinion that this order is necessary because of a—

***Danger to life arising out of the condition of the *building/*land/*place of public entertainment**

[state reason(s) why the condition of the building, land or place of public entertainment causes a danger to life]

***Danger to life arising out of the use of the *building/*land/*place of public entertainment**

[state reason(s) why the use of the building, land or place of public entertainment causes a danger to life]

***Danger to life arising out of a proposed use of the *building/*land/*place of public entertainment**

[state reason(s) why a proposed use of the building, land or place of public entertainment may cause a danger to life]

***Danger to property arising out of the condition of the *building/*land/*place of public entertainment**

[state reason(s) why the condition of the building, land or place of public entertainment causes a danger to property]

***Danger to property arising out of the use of the *building/*land/*place of public entertainment**

[state reason(s) why the use of the building, land or place of public entertainment causes a danger to property]

***Danger to property arising out of a proposed use of the *building/*land/*place of public entertainment**

[state reason(s) why a proposed use of the building, land or place of public entertainment causes a danger to property]

EMERGENCY ORDER MADE AND SERVED BY:

The municipal building surveyor:
Name and RBP number

Address:

Contact number: **Email:**

Municipal district: **Emergency order number:**

Signature: **Date of making:**

** Delete if inapplicable*

NOTES:

Duration of emergency order

1. Under section 105A(1) of the Building Act 1993 (the Act), duration of an emergency order made under section 103 of the Act must not exceed 48 hours.
2. Under section 105A(2) of the Act, if the municipal building surveyor issues a building notice before the end of the period specified in the emergency order, asking the owner to show cause why entry into, or the use or occupation of, the building or place that is subject to the order should be prohibited, the emergency order remains in force until the earlier of -

- a. the end of the specified period under section 108 for the building notice; or
 - b. 14 days.
3. Under section 105A(3) of the Act, an emergency order remains in force until it is complied with or it is cancelled by the municipal building surveyor or Building Appeals Board.

Cancellation

4. Under section 105B of the Act, a municipal building surveyor may, by written notice, cancel an emergency order if the order was made in error or the circumstances giving rise to the making of the order have changed.

Penalty for failure to comply

5. Under section 118(1) of the Act, a person to whom an emergency order is directed must comply with that order. Penalty: 500 penalty units in the case of a natural person and 2500 penalty units in the case of a body corporate.

Copy to private building surveyor

6. The municipal building surveyor must give a copy of an emergency order to any private building surveyor appointed to perform a function in relation to a building, land or place to which the order relates.

Appeal rights

7. Under section 142(3) of the Act, the owner or occupier of a building or land may appeal to the Building Appeals Board (BAB) against a refusal of the municipal building surveyor to cancel an emergency order, or a failure, within a reasonable time, to cancel an emergency order. For the purpose of section 146(1)(a) of the Act, the prescribed appeal period under regulation 271 of the Building Regulations 2018 against the making of this emergency order is **30 days** after the day this building order is served on the person to whom it is directed. In the case of an appeal against the imposition of a condition on this emergency order, the prescribed period is **30 days** after the order is served on the person to whom it is directed. In the case of an appeal against a refusal to amend or cancel this emergency order, the prescribed period is **30 days** after the day the owner is notified of the refusal or the day the relevant building surveyor is deemed to have refused to amend or cancel this building order. In the case of an appeal against a requirement that this emergency order be fully complied with, the prescribed period is **30 days** after the day the owner is notified of the requirement.

Information regarding the appeal process can be obtained by contacting the BAB:

- website: www.buildingappeals.vic.gov.au
- phone: 1300 421 082
- email: registry@buildingappeals.vic.gov.au

Subsequent owners

8. Under section 236(6) of the Act, this order is binding on every subsequent owner of the land.

Owners corporations

9. If this order is to be served on an owner of a lot affected by an owners corporation, the order may be served on the owners corporation and if so served is taken to be served on the owner. An owners corporation on whom an order is served must not fail to provide a copy of the order to each lot owner affected by the order within a reasonable time after receiving the order. Penalty: 60 penalty units.