

Offences and penalties for carrying out building work without a building permit

This fact sheet explains what's different about section 16 of the *Building Act 1993* (the Act) from 4 July 2016.

PENALTIES FOR BREACHING SECTION 16 (The value of a penalty unit is \$151.67 as at 16 June 2016)

- **500 penalty units**, in the case of a natural person.
- **2500 penalty units**, in the case of a body corporate.

THE CHANGES

From 4 July 2016, offences relating to carrying out building work without a building permit and/or in breach of the Act, the Regulations or the permit, are extended to specific duty holders.

A land owner is specifically prohibited from permitting building work to be done on their land without a building permit and/or in breach of the Act, the Regulations or the permit.

It is a defence for the land owner if a building practitioner or architect has been engaged to carry out the building work.

Building practitioners and architects are specifically prohibited from carrying out building work without a building permit and/or in breach of the Act, the Regulations or the permit.

If you are a person (including a body corporate), there are two separate offences you may be liable for:

- the offence of carrying out building work without a current building permit
- the offence of carrying out building work in breach of the Act, the Regulations or the permit.

Each offence is subject to a penalty of up to 500 penalty units for a natural person and up to 2500 penalty units for a body corporate.

WHAT THE CHANGES MEAN

Land owners

A land owner, including an owner-builder, is responsible for ensuring building work undertaken on their land – whether by themselves or any other person – is carried out under a current building permit and complies with the Act, the Regulations and the permit, unless a building practitioner or architect has been engaged to carry out the building work.

Building practitioners and architects

When engaged to carry out building work, building practitioners and architects must ensure a building permit has been issued and is in force for that building work, and that the work complies with the Act, the Regulations and the permit.

To determine whether a building permit has been issued for building work, you can obtain a copy of the approved stamped building plans from the relevant building surveyor.

Read the revised section 16

- (1) A person must not carry out building work unless a building permit in relation to the work has been issued and is in force under this Act.*
- (2) A person must not carry out building work unless the work is carried out in accordance with this Act, the building regulations and the building permit issued in relation to that work.*
- (3) An owner of land must not permit building work to be carried out on that land unless—*
 - (a) a building permit in relation to the work has been issued and is in force under this Act; and*
 - (b) the work is carried out in accordance with this Act, the building regulations and the building permit issued in relation to that work.*
- (4) A building practitioner or an architect who is engaged to carry out building work must ensure that—*
 - (a) a building permit in relation to the work has been issued and is in force under this Act; and*
 - (b) the work is carried out in accordance with this Act, the building regulations and the building permit issued in relation to that work.*
- (5) Subsection (3) does not apply to an owner if the owner has engaged a building practitioner or architect to carry out the building work on that land.*
- (6) Subsections (1), (2), (3) and (4) do not apply if the building work is exempted by or under this Act or the regulations.*

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