

Builder cancelled and penalised tens of thousands

A Victorian builder has had his registration cancelled and he has been disqualified from holding registration for a period of 3 years.

He was also penalised almost \$40,000 for numerous breaches of the Building Act, including allegedly providing false compliance certificates for a residential development, engaging in a sham building contract for the purposes of procuring a building permit and carrying out building works which significantly departed from the approved building permit documents.

Rocco Barba ([CB-L 41528](#)) has had his Commercial Builder - Limited registration cancelled and he is disqualified from obtaining registration in any category or class of building practitioner for 3 years (concurrent with 3 year suspension period) as a consequence of the Victorian Building Authority (VBA) finding he is not a fit and proper person to hold registration as a building practitioner. He must also pay penalties totalling \$38,000 to the VBA.

The basis of the VBA's disciplinary action is that Mr Barba engaged in unprofessional conduct at a multi-dwelling domestic building site in Niddrie, near Keilor East in north-west Melbourne.

The VBA's Executive Director Regulatory Operations David Brockman said Mr Barba provided the relevant building surveyor with false certificates for the installation of insulation and energy efficiency measures.

"Mr Barba ought to have known that the surveyor would rely on these certificates as evidence of the compliance of the works with the relevant energy efficiency requirements," Mr Brockman said.

"He also allowed building work to be carried out which did not accord with the Act, the regulations and the building permit. This is unacceptable and jeopardised the safety of consumers at the units."

"Given the serious nature of Mr Barba's conduct we believe the sanctions the VBA has imposed to be warranted - they signify to all practitioners and the industry that such conduct will not be tolerated."

The allegations related to a 15 unit residential development on land owned by a company controlled by the practitioner.

Mr Barba was also found to have carried out domestic building work while operating under a sham building contract entered into with a registered domestic builder in order to obtain a building permit, relying upon policies of domestic builder's warranty insurance obtained by that domestic builder.

"There was essentially no evidence that the builder of record had any involvement in the building work, but his registration and insurance details were cited in the building permit," Mr Brockman said.

"Mr Barba was the de facto builder for the project, and the VBA holds the view that he is not a fit and proper person to practise as a building practitioner."

The VBA has cancelled Mr Barba's registration in the class of commercial builder, limited to the construction of low rise building work, and disqualified him from being registered as a building practitioner in any class for a period of three years.

Mr Barba has applied to the Victorian Civil and Administrative Tribunal (VCAT) for review of the decision.

The VBA has an [online consumer resource portal](#) with information for anyone who experiences issues with builders or plumbers.