

# Media Release

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## VBA wins right to appeal Federal Court decision on Mutual Recognition application

The Victorian Building Authority (VBA) has won the right in the High Court of Australia to appeal a decision of the Federal Court that overturned the Administrative Appeals Tribunal's (AAT) decision to permit character to be taken into account in relation to applications for registration under the *Mutual Recognition Act 1992* (Commonwealth).

The *Mutual Recognition Act* provides for recognition of occupational registrations by interstate regulators where the categories of registration are equivalent.

The application by Mr Nikolaos Andriotis was refused by the Building Practitioners Board (BPB) on the basis that the applicant was not of good character. The BPB's finding concerning Mr Andriotis' character was affirmed by the AAT. However, the Federal Court overturned the AAT decision, finding that a registration authority has no power to consider an applicant's character in deciding a *Mutual Recognition Act* application.

Ms Sue Eddy, VBA Chief Executive Officer, welcomed the High Court's decision to allow the VBA to appeal the decision of the Federal Court, saying it will ultimately result in a judgement from the court that will settle current legal uncertainty relating to Mutual Recognition.

"The VBA sets a high standard for registering building practitioners in Victoria compared to other states," Ms Eddy said.

"It is crucial that people who are granted registration have the knowledge and experience required to perform their work safely and also are of good character."

"An express objective of the *Building Act 1993* is to protect the safety and health of people who use buildings, which is why it is essential for the VBA to be able to assess whether an applicant is of good character and more recently, a fit and proper person, before registering them in Victoria," Ms Eddy said.

"The VBA will continue to pursue consumer protection and we make no apologies for having in place stringent requirements to obtain registration as a building practitioner in Victoria."

No date has yet been set for an appeal.

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