

Section 33 – Notification to the Victorian Building Authority

Pursuant to Section 33(3) of the Building Act 1993 (Vic)

SECTION 33 NOTIFICATION TO THE VICTORIAN BUILDING AUTHORITY

This written notification, along with any required supporting documentation outlined on page 3 of this form, must be provided to the Victorian Building Authority by the relevant building surveyor, in accordance with section 33(3) of the *Building Act 1993* (the Act)

I _____ (print name and registration), as the (please tick whichever option applies and complete as necessary):

- ☐ relevant building surveyor (RBS); or
- ☐ designated building surveyor, where _____ Pty Ltd
(*print body corporate building surveyor name and registration who has been appointed under the Act*) has been appointed as the corporate relevant building surveyor,

In relation to the below described building work, am notifying the Victorian Building Authority of the failure of a person (which includes registered body corporates) named as the builder on the building permit to comply with the following requirements of the *Building Act 1993*: (please tick whichever option/s applies/apply)

- ☐ Section 33(1) - The person that is named as the builder in a building permit issued for building work must ensure the relevant building surveyor is notified without delay of the completion of each mandatory notification stage of that work.
- ☐ Section 33(2) - The person that is named as the builder in a building permit issued for building work must ensure that any person who is carrying out the building work stops carrying out that work or any part of that work on completion of a mandatory notification stage if directed to do so by the relevant building surveyor.

Building Site Details

Building permit number: _____

Brief description of building work to which the building permit relates:

Site address: _____



Date building permit issued: _____

Builder (name and registration): _____

Builders contact details: _____

Status of the building work: _____

Applicable mandatory inspection stage(s) (as nominated on the building permit) the completion of which was not notified without delay to the RBS:

Please complete as applicable (where more than one mandatory notification stage has not been notified, please complete the below details for each of those mandatory notification stages):

Notification for failure to comply with section 33(1)

(only complete this section if you have ticked– Section 33(1))

Date you became aware that the builder had failed to notify you of the completion of each mandatory inspection stage: _____

Detail of how you, as the RBS, became aware that the builder had failed to notify you of the completion of each mandatory notification stage:

Description of building work that was carried out past the mandatory notification stage:

Any instruction or enforcement action taken by you, as the RBS, including the date and time this occurred (your instruction may have been given verbally):

**Notification for failure to comply with section 33(2)**

(only complete this section if you have ticked – Section 33(2))

When and how you, as the RBS, gave a direction to the builder to stop building work on completion of a mandatory notification stage. Please provide the date the direction was given by you, and whether the direction was given verbally or in writing.

When and how you, as the RBS, became aware that building work had continued notwithstanding a direction having been given by you to stop work on completion of the mandatory inspection stage:

Description of building work that was carried out past the mandatory notification stage (following the builder named on the building permit being directed by you, as the RBS, to stop building work):

Any instruction or enforcement action taken by you, as the RBS, including the date and time this occurred (your instruction may have been given verbally):



Required supporting documentation Copies of the following documents must, wherever relevant to the particular circumstances of the matter, accompany this notification.

Copy attachments submitted:

- ☐ A complete set of documents provided to the relevant council under section 30 of the Act
- ☐ Any written direction given by you under section 33(2) of the Act, or a copy of any contemporaneous notes made by you at the time of giving an oral direction under section 33(2) of the Act
- ☐ Any document/s or contemporaneous notes evidencing how you became aware that building work had continued notwithstanding a direction having been given by you under section 33(2) of the Act
- ☐ Any record of inspection relied upon by you, as the RBS, to give the section 33(3) notification to the Authority
- ☐ Any relevant photographs of the site or the building work the subject of the building permit
- ☐ Any building notice or building order issued by you, as the RBS, in response to the section 33(1) and/or section 33(2) contravention by the builder named in the building permit
- ☐ **If applicable**, any record of inspection or expert report or certificate of compliance evidencing compliance with a building notice issued by you, as the RBS
- ☐ **If applicable**, any cancellation of building notice or cancellation of building order issued by you related to the section 33(1) and/or section 33(2) contravention by the builder named in the building permit
- ☐ Any other information which you, as the RBS, consider may be relevant to this matter
- ☐ Evidence of service of any building notices and/or builder orders in accordance with section 236 of the Act (please include any copies that was sent via email)

Notes:

- Notifying the Victorian Building Authority of this matter may result in the Authority taking action which could include, as appropriate, a warning letter to the builder, disciplinary action and/or prosecution.
- You are reminded that you remain the relevant building surveyor for the building work, for which you were appointed and that it is your continuing responsibility to ensure appropriate enforcement action is undertaken to ensure compliance.
- To assist the Victorian Building Authority in making a determination in this matter, the Authority may request further information from you.

**DECLARATION**

I declare that the information given in this form is, to the best of my knowledge, true and correct. I acknowledge that the information I have given in this form and any supporting documents I have provided may be used or disclosed by the Victorian Building Authority for the purpose of performing its legislatively prescribed functions, which may include investigation of any potential contravention of the *Building Act 1993* (Vic), the *Building Regulations 2018* (Vic) or any other applicable laws or legislative requirements.

Name: _____

RBS registration category and registration number: _____

RBS' contact details: _____

RBS' signature: _____

Date: _____