

Notification of practitioner involvement

This fact sheet explains changes to Part 3 of the *Building Act 1993* (the Act) and Part 4 of the *Building Regulations 2018* (Regulations), which commence on 1 July 2018.

THE CHANGES

These amendments affect the notification requirements when the builder named on the building permit is changed during a building project.

Section 25A of the Act has been amended and new sections 25AB to 25AE have been introduced.

In addition, regulation 42 “Owner to notify change of owner” has been amended and new regulation 47A “Relevant building surveyor must notify Authority and relevant council of certain information” has been inserted.

WHAT THE CHANGES MEAN

Notice of ending engagement of a builder

If the engagement of a builder ends after a building permit is issued and before the completion of building work, the builder or owner may provide written notice to the relevant building surveyor effectively suspending the building permit.¹

Notice of subsequent engagement of a builder

Where a building practitioner or insured architect is engaged after the issue of a building permit, the owner may provide written notice to the relevant building surveyor of the engagement.²

This notice must include:

- the name of the building practitioner or insured architect and their registration number; and
- for domestic building work where the cost is more than \$16,000,³ details of the required insurance and contract showing the names of the parties.

Change of builder on a building permit

When notified of the engagement of a new builder, the relevant building surveyor may change the name of the builder on the building permit if satisfied the builder meets the relevant requirements.⁴

Notification to the VBA and Council

The relevant building surveyor must notify the VBA and relevant Council in writing of certain prescribed events and information relating to a building permit within 5 days of becoming aware of the event or the permit ceasing to be suspended (as the case requires).⁵

The prescribed events are:

- the builder named on a building permit ceases to be engaged to carry out the building work to which the permit relates;
- the relevant building surveyor changes the builder named on a building permit.

The prescribed information is the:

- building permit number;
- address of the building or land to which the building permit relates;
- the builder named on the building permit; and
- the day on which the builder ceased to be engaged, or the day that a new builder is named on the permit.

¹ Section 25A of the *Building Act 1993*.

² Section 25AB of the *Building Act 1993*.

³ Currently \$16,000 as specified in Section 25AB(4) of the *Building Act 1993*.

⁴ Section 25AC of the *Building Act 1993*.

⁵ Section 25AD of the *Building Act 1993*, regulation 47A of the *Building Regulations 2018*.

Suspension of a building permit

A building permit will be suspended on and from the day that:

- the building practitioner's registration is suspended or cancelled;
- the architect's registration is suspended or cancelled;
- the builder dies, is imprisoned or has become a represented person⁶;
- the engagement of the builder has been terminated; or
- in the case of an owner-builder, the certificate of consent is cancelled.

The suspension ceases once a builder who complies with the relevant requirements of the legislation is named on the building permit. Until that time, the building permit is of no effect.⁷

Carrying out building work while a building permit is suspended is an offence under the Act.⁸

Penalties for carrying out building work while the building permit is suspended

500 penalty units, in the case of a natural person (\$80,595 as at 1 July 2018);

2500 penalty units, in the case of a body corporate (\$402,975 as at 1 July 2018).⁹

Owner to notify of change of name, address or ownership

An owner must notify the relevant building surveyor within 14 days of any change in name or address. They must also notify the RBS if they have transferred the ownership of any relevant building or land.¹⁰

Builder to notify of change of name or address

The builder named in the building permit must notify the owner *and* relevant building surveyor within 14 days of any change in name or address.¹¹

Penalties for breaching regulation 42 or 43

10 penalty units (\$1612 as at 1 July 2018).

Want to know more?

If you have a technical enquiry, please email technicalenquiry@vba.vic.gov.au or call 1300 815 127.

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733 Bourke Street, Docklands VIC 3008

www.vba.vic.gov.au

⁶ Within the meaning of the *Guardianship and Administration Act 1986*.

⁷ Section 25AE of the *Building Act 1993*.

⁸ Section 16 of the *Building Act 1993*.

⁹ Section 16 of the *Building Act 1993*.

¹⁰ Regulation 42 of the *Building Regulations 2018*.

¹¹ Regulation 43 of the *Building Regulations 2018*.