

APPLICATION FOR INTERNAL REVIEW FORM

**PLEASE COMPLETE THIS FORM AND RETURN TO THE
VICTORIAN BUILDING AUTHORITY BY EMAIL, POST OR IN PERSON.**

SAVE AND COMPLETE THIS FORM ON YOUR COMPUTER. DO NOT HANDWRITE.

Complete this form to apply to the Victorian Building Authority (VBA) to conduct an internal review of a reviewable decision under Division 4, Part 11 of the *Building Act 1993* (the Act).

An application for internal review of a reviewable decision can only be made by an affected person. You should read the 'Important Information' factsheet accompanying this for an explanation of 'reviewable decision' and 'affected person' before submitting your application.

Subject to sections 185(3A) and 185(4) of the Act, applications for review of a reviewable decision must be made by an affected person **within 28 calendar days** after the day notice of the reviewable decision is received.

1. WHICH DECISION WOULD YOU LIKE REVIEWED?

Under section 185 of the Act an affected person may apply for a review of the following reviewable decisions:

- Decision to refuse to grant registration
- Decision to impose conditions (other than prescribed conditions) on registration
- Decision to refuse to renew registration
- Decision to immediately suspend registration (**under section 185(7) of the Act an application for review does not stay the operation of a decision to immediately suspend registration**)
- Decision to take disciplinary action against a registered building practitioner.

Please attach a copy of the notice of decision you received from the VBA.

Date of decision

D	D	/	M	M	/	Y	Y	Y	Y
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Name of decision maker

Note: A reviewable decision made by the CEO or a Commissioner of the VBA is only reviewable by the Victorian Civil and Administrative Tribunal.

2. WHAT WE NEED TO KNOW ABOUT YOU (THE APPLICANT) * INFORMATION THAT YOU MUST SUPPLY

Your title* Mr Mrs Ms Miss

Your first name* (As it appears on your drivers licence or passport).

Your family name* (As it appears on your drivers licence or passport).

Your residential address* (must not be a post office box)

Suburb

State or territory

Postcode

Your postal address* (if different from residential address)

Email address

Mobile number*

Home phone number

Work phone number*

Registration number

Date suspended (if applicable)

 / /

3. STATE FULLY THE GROUNDS FOR WHY YOU BELIEVE THE DECISION SHOULD BE REVIEWED?

If necessary, you may continue your response on another page and attach it to this application.

4. WHAT OTHER INFORMATION WOULD YOU LIKE THE INTERNAL REVIEWER TO CONSIDER?

Any additional material you wish the internal reviewer to consider should be attached to this application.*
Please provide a list of the attached documents below:

Note: The internal review process must be concluded within 28 calendar days after receipt of this application.

5. WHAT OUTCOME DO YOU SEEK FROM THE INTERNAL REVIEW?

As part of the internal review process, you have the opportunity to make written or oral representations.

Please ensure all written representations you wish to make are included in the application form. If there is insufficient space, or there are further representations you wish to make, please attach these in a separate document.

If you wish to make oral representations to the review, in addition to your written representations, please indicate this at Question 6.

The internal review is to be conducted within 28 calendar days so it is important that you provide all relevant representations with this application.

* The VBA expects material you submit in support of your application for internal review to be in writing, but recognises you may have circumstances that prevent you from being able to do so or you may wish to provide an oral representation instead. If you wish to make oral representations, please request this at Question 6 and you will be contacted by the Internal Review Unit to organise an agreed time and place for your oral representation.

6. DO YOU WISH TO MAKE ORAL REPRESENTATIONS?

Yes

No (Go to Question 7)

If you wish to make oral representations you will be contacted by our Internal Review Unit to confirm a time and date for the oral representations to be made. All oral representations will be conducted at a place nominated by the Internal Review Unit.

Question A: Legal Adviser/Support Person (if applicable)

Do you wish to bring a legal adviser or support person to the oral representation?

Yes

No

If yes, please provide details.

Name

Email address

Work phone number

Mobile number

Question B: Interpreter (if applicable)

Do you require the assistance of an interpreter at the oral representation?

Yes

No

If yes, for which language?

Question C: Disability (if applicable)

If you have a disability and need assistance for the oral representation, please indicate whether:

Visual

Hearing

Wheelchair user

Other, please specify below

7. DO YOU CONSENT TO THE VBA CONTACTING YOU BY EMAIL? (about this application)

Yes

No

8. DISPUTE RESOLUTION ORDERS

Is this application for internal review about a reviewable decision by the VBA because of a failure by a builder to comply with a dispute resolution order?

Yes

No (Go to [Question 9](#))

If yes, please answer the questions below or alternatively make sure you have addressed these questions in your grounds for review (Question 3) above.

Please attach a copy of the dispute resolution order that resulted in the reviewable decision.

Question A: Rectification of work (if applicable)

Have you rectified or completed, or arranged for someone else to rectify or complete, the work specified in the dispute resolution order?

Yes

No

If you answered 'yes', please provide details:

Question B: Compensation (if applicable)

Have you paid compensation to the building owner, or entered into an agreement to pay compensation to the building owner, or satisfied any other arrangement agreed with the building owner?

Yes

No

If you answered 'yes', please provide details:

Question C: Reimbursement to insurer (if applicable)

Have you reimbursed an insurer, or entered into an agreement to reimburse an insurer, for the costs (including administrative and legal costs) of the rectification or completion work paid for by the insurer or satisfied any other arrangement agreed with the insurer?

Yes

No

If you answered 'yes', please provide details:

9. DECLARATION

It is an offence under section 246(1) of the Act for a person to knowingly make a false or misleading statement or provide false or misleading information to a person or body carrying out any function under the Act or the regulations.

Penalty: 120 penalty units

I declare that the information on this form is true and correct to the best of my knowledge.

Applicant signature

Date




D	D	/	M	M	/	Y	Y	Y	Y
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Print applicant name

Lodging your application

Please fill out your Application Form electronically, then print and sign a hard copy.


Submit a hard copy of your application by mail:

 **Internal Review Unit**
Victorian Building Authority
Goods Shed North
733 Bourke Street
Docklands VIC 3008

Or sign, scan and email a copy of your application to:

 internal.review@vba.vic.gov.au

Or in person at the Victorian Building Authority:

 **Goods Shed North**
733 Bourke Street
Docklands 3008

Note: Normal business hours are 8:30am to 5:00pm, Monday to Friday. **Tel: 1300 815 127**

Important information

What decisions are subject to internal review?

Section 184 of the *Building Act 1993* (the Act) provides that a 'reviewable decision' means any of the following decisions made by the VBA under the Act:

- A decision to refuse to grant registration;
- A decision to impose conditions (other than prescribed conditions) on registration;
- A decision to refuse to renew registration;
- A decision to immediately suspend registration;
- A decision by the VBA to take disciplinary action;
- A decision to give a registered building surveyor or a member of a class of registered building surveyors a direction under section 205M of the Act; and
- Another decision prescribed by the regulations as being a decision for which a person may apply for internal review or review by VCAT under Division 4, Part 11 of the Act.

What decisions are not subject to internal review?

Internal review applies to decisions relating to building practitioners only; it does not apply to decisions affecting plumbers. Decisions made by the VBA that are not subject to internal review include:

- A decision to refuse to grant a license or registration in a class of plumbing work;
- A decision related to a plumbing registration or licence;
- A decision to issue a rectification notice under Part 12A of the Act;
- A decision to impose disciplinary action under Part 12A of the Act;
- A decision not to issue a certificate of consent to an owner builder;
- A decision not to grant consent to terminate an appointed private building surveyor; and
- A reviewable decision made by the Commissioner or CEO of the VBA.

Who can request an internal review?

Under section 185(2) of the Act a person who is 'directly affected' by a reviewable decision may apply to the VBA for an internal review of the decision. A person is directly affected by a reviewable decision if the VBA has:

- Refused to grant that person a registration;
- Imposed conditions (other than prescribed conditions) on that person's registration;
- Refused to renew that person's registration;
- Has immediately suspended that person's registration; or
- Taken disciplinary action against that person.

Timeframe for applications

In most cases you will have 28 calendar days from the day of receipt of the reviewable decision to apply to the VBA for an internal review of that decision.

In all other cases if you wish to apply for an extension of time to submit an application for an internal review, you will need to request this in writing before the relevant period for submitting an application expires and provide reasons for the request.

Stay of the primary decision

In most cases an application for an internal review stays the operation of the reviewable decision. However, an application for an internal review does not stay the operation of a decision to immediately suspend a registration.

Note: It is an offence under the Act to hold yourself out as a registered building practitioner while your registration is suspended.

Review period

Under section 185D(4) of the Act the 'review period' means the longer of 28 calendar days after the application is made or the relevant period prescribed by the Regulations. There is no prescribed period currently under the Regulations.

The review period starts when the Internal Review Unit receives your application. It is important that you provide as much information and detail as you can in your application.

Note: Section 185D of the Act requires that an internal review decision must be made within 28 calendar days. There is no provision in the Act to allow for the extension of this review period.

Under section 185D(3) of the Act, if the VBA does not provide you with a review decision within the review period, the VBA is taken to have made a review decision affirming the reviewable decision (i.e. upholding the reviewable decision).

External review

Under section 186 of the Act, an affected person may apply to VCAT for a review of a reviewable decision:

- If you have applied for internal review and you are dissatisfied with the review decision; or
- If the reviewable decision was made by a Commissioner or the CEO of the VBA, in which case it is not subject to internal review; or
- If the reviewable decision was a decision to immediately suspend, suspend or cancel a registration (without applying for internal review).

Further assistance

If you have any questions about your application or the review process, please contact the Internal Review Unit on 1300 815 127, email internal.review@vba.vic.gov.au or visit our website at www.vba.vic.gov.au