

COMPLIANCE & ENFORCEMENT REPORT

July-December
2021

ABORIGINAL ACKNOWLEDGEMENT

The VBA respectfully acknowledges the Traditional Owners and custodians of the land and water upon which we rely. We pay our respects to their Elders past, present and emerging. We recognise and value the ongoing contribution of Aboriginal people and communities to Victorian life.

We embrace the spirit of reconciliation, working towards equality of outcomes and an equal voice.

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Authorised by the
Victorian Building Authority
733 Bourke Street
Docklands VIC 3008

Available online at www.vba.vic.gov.au



TABLE OF CONTENTS

ABOUT

- This report 4
- Executive Summary 5

PLUMBING

- Complaints 7
- Investigations 8
- Prosecutions 10
- Plumbing Inquiry 11
- Plumbing Enforcement Case Studies 13

BUILDING

- Complaints 15
- Statutory Referrals 17
- Terminations 19
- Transfer of Functions 20
- Investigations 21
- Building Enforcement Case Studies 22
- Building Practitioner Discipline 23
- Prosecutions 38

ABOUT

This Report

The Victorian Building Authority (VBA) is responsible for monitoring and enforcing compliance with the *Building Act 1993* (the Act) and associated regulations and guidelines, including the National Construction Code and Code of Conduct for Building Surveyors in Victoria.

The Act provides for plumbing and building work to be carried out so that it meets minimum standards of safety, health, and amenity. It requires people and companies undertaking building and plumbing work to be registered or licensed practitioners. It also provides for various enforcement tools to be used where individuals and companies fail to comply with the requirements of Act.

The VBA's compliance and enforcement decisions are made according to the Compliance and Enforcement Policy.

◀ **Our primary focus is to reduce risk to the Victorian community by prioritising our efforts towards activities that pose a greater threat to their health and safety or economic loss.** ▶

The VBA's Compliance and Enforcement Report is designed to give industry, practitioners, and the community an insight into our activities. To safeguard Victoria's future, the VBA is strengthening its capacity to take firm action when needed to keep Victorians safe and hold practitioners to account. As Victoria's building and plumbing regulator, our starting point is that individuals want to do the right thing. That's why we are enhancing our risk-based regulatory model that will encourage and incentivise good behaviour, while discouraging poor performance.

This twice-yearly report focuses on compliance and enforcement activities achieved by the VBA for the first six months of 2021–22.

Executive Summary

The VBA's compliance and enforcement role helps practitioners and the communities they serve reach their potential by promoting a safe and sustainable built environment and a quality building industry.

We engage, educate and regulate industry to deliver positive social and economic outcomes for Victorians.

The first six months of 2021–22 have been significant for the VBA's compliance and enforcement work, as we navigated the challenges posed by COVID-19 and the impact this had on industry. Despite this, we continued to progress and prioritise high-risk matters and used digital inspections to do this, where possible.

Between July and December, the VBA issued 78 Show Cause Notices to building practitioners. This resulted in the registration of 20 practitioners being cancelled or suspended. A further six were issued with disqualifications and 38 were issued with financial penalties.

The VBA also used its immediate suspension powers to remove 12 builders from practice, demonstrating our commitment to taking firm action when required.

The VBA has placed an increased emphasis on achieving compliance through informal engagement with property owners. This resulted in fewer plumbing complaints escalating to investigation and more timely resolutions for consumers. In the first six months of 2021–22, a significantly greater number of plumbing infringements were issued compared to a year ago. The increase is a result of the VBA conducting a targeted focus on drainage inspections. These approaches are just some of the ways the VBA is using data and intelligence to drive positive outcomes for consumers.

This compliance and enforcement report and its associated activities forms the basis of the VBA's regulatory activities. Linked to this report are the Proactive Inspections Program (PIP) reports, industry alerts, practice notes and practitioner resources.

More information on compliance and enforcement activities in 2021–22 will be available in future reports and in the VBA Annual Report.

Proactive Inspection Program

The Compliance and Enforcement Report should be read in conjunction with the VBA's Proactive Inspection Program (PIP) reports.

The VBA's Proactive Inspection Program monitors the compliance of building and plumbing work under construction. Selection of work for inspection is risk-based and considers factors such as:

- the type of building;
- sites and/or practitioners of interest;
- life and safety risks.

Information gathered via PIP on non-compliance contributes to the VBA's intelligence holdings. This intelligence informs and prioritises the VBA's education activities, supporting practitioners with the knowledge to comply with standards, as well as the VBA's risk-based compliance and enforcement activities, which continuously strengthen industry and consumer outcomes.

PLUMBING

Complaints

The VBA receives complaints relating to contraventions of plumbing legislation. In assessing a complaint, the VBA considers:

- source of the complaint
- registration status of the subject
- status of compliance
- availability of evidence
- previous disciplinary action
- breach of legislation or offence
- life safety and financial impacts
- age of the issue

The VBA's complaints process is able to assist consumers with the resolution of different types of complaints. As the beginning of the compliance and enforcement lifecycle, the VBA takes a graduated approach to managing complaints, depending on the assessed severity. Where the risk is determined to be high, the complaint will be escalated for an investigation. Where the complaint is assessed to pose a lower risk, the VBA takes an educative approach to support improved compliance and promote good practice. The VBA concludes a complaint when it believes it has completed its obligations to practitioners and consumers.

692 PLUMBING RELATED COMPLAINTS WERE RECEIVED IN THE FIRST HALF OF 2021-22 AND;

661 COMPLAINTS WERE CLOSED:



476 complaints were concluded via liaising with the complainant and/or practitioner.

145 complaints were escalated to an investigation.

36 warnings (cautions/education letters) were issued to plumbing practitioners.

4 complaints were referred to Domestic Building Dispute Resolution Victoria (DBDRV).

PLUMBING COMPLAINTS – 2020-21 AND 2021-22 FYTD		
COMPLAINTS	2020-21	JUL-DEC
Number of Complaints received	1,722	692
Number of Complaints closed	1,708	661
Outcome Actions		
Concluded*	1,186	476
Referral of a complaint to DBDRV	17	4
Practitioner cautions	-	36
Escalated for investigation	505	145

*Concluded means: not substantiated/insufficient evidence/resolved/referral to another agency

Fewer plumbing complaints were received in the first half of 2021-22 (692) compared with the same period a year ago (920). This may be attributed to the impacts of COVID-19 restrictions. An eight per cent reduction in the number of matters escalated for investigation is attributed to a new fast-track resolution process, where noncompliant work is identified and rectified through a complaint. This new process provides timely feedback to practitioners and seeks to educate and inform their future practice and delivers more timely resolutions for consumers.

Most common plumbing work complaints (Jul-Dec)

- Roofing
- Storm water drainage
- Sewer/septic plumbing work
- Failure to receive a compliance certificate

Investigations

The VBA conducts investigations to determine if there is sufficient evidence to prove that a person has breached relevant legislation. Referrals for investigation may be received as an escalated complaint or from external agencies. Investigations focus on:

- Establishing the facts or otherwise of a complaint, allegation or other information that suggests a breach of relevant legislation and;
- Conducting an investigation in an objective and unbiased manner, while observing the requirements of legislation at all times.

Investigations are often complex and require the gathering of significant amounts of evidence from multiple sources, which takes time. This can involve conducting interviews, preparing reports and detailed briefs of evidence, participating in court proceedings, and providing advice and information to the plumbing industry.

The VBA has at its disposal a range of enforcement actions, including warning, referral for inquiry and referral for prosecution. These enforcement actions are selected commensurate to the risk or potential breach identified.

The VBA also has the power to issue infringement notices to licensed plumbers for plumbing offences outlined in the Act. The Act informs the number of penalty units that may be issued for identified breaches.

PLUMBING INVESTIGATIONS – 2020–21 AND 2021–22 FYTD

INVESTIGATIONS	2020–21	JUL-DEC
Number of Investigations underway	N/A*	186
Number of Investigations completed	848	268
Outcome Actions		
Resolved without further enforcement action	655	212
Warning	57	17
Referred for inquiry	87	27
Referred for prosecution	49	12
Number of infringement notices issued [#]	334	332

*The number of plumbing investigations underway is expressed as a rolling figure.

[#]The number of infringement notices issued is cumulative across audit activity and investigations.

Most common plumbing work investigated (Jul-Dec)

- Poor workmanship
- Non-compliant plumbing work
- Plumbing work being undertaken by unregistered or unlicensed people
- Compliance certificates not being issued

186 INVESTIGATIONS WERE UNDERWAY AT THE END OF THE FIRST HALF OF 2021–22.

268 INVESTIGATIONS WERE COMPLETED:



212 investigations were resolved without further enforcement actions e.g. via rectification of the defective plumbing work.

27 investigations were escalated with a recommendation to commence disciplinary action, via a plumbing inquiry.

17 investigations resulted in the issue of a warning to the plumbing practitioner.

12 investigations were recommended for prosecution.

The VBA's proactive, risk-based approach to regulation enables us to provide guidance and advice to practitioners to ensure non-compliant plumbing work is rectified and meets the necessary standards. This is reflected in the high number of cases resolved without the need for further enforcement action.

Fewer plumbing investigations were undertaken in the first half of 2021–22 compared with the same period a year ago due to COVID-19 restrictions impacting the VBA's capacity to visit properties to inspect plumbing work, a vital component of investigations. VBA investigators were also redeployed to undertake COVID-19 compliance activities as part of the Victorian Government's blitz. VBA authorised officers carried out 1,526 COVID-19 compliance inspections between October and November 2021. Throughout the impacts of COVID-19, the VBA continued to prioritise high-risk matters.

The substantial increase in the number of infringement notices issued is a result of the VBA conducting a targeted focus on drainage inspections, which included Saturday drainage inspections and early and late day bookings.



Prosecutions

The VBA may issue charges against a person (registered practitioner or other unregistered person) or body corporate for breaches of the Act. A VBA prosecution is a criminal proceeding that is heard in the Magistrates' Court of Victoria but may be heard in the County Court of Victoria, depending on the offence(s) and circumstances.

Once an investigation has been completed, if serious non-compliance, such as an unregistered person carrying out regulated plumbing work, has been identified, the VBA considers whether to initiate criminal proceedings.

The VBA will only proceed with a prosecution if there is a reasonable prospect of a conviction, and a prosecution is deemed to be in the public interest.

PLUMBING PROSECUTIONS – 2020–21 AND 2021–22 FYTD

PROSECUTIONS	2020–21	JUL-DEC
Number of plumbing prosecutions completed by VBA	6	1

At the end of the first half of 2021–22, one prosecution was completed. This is due to the length of the prosecution process. Recent referrals for prosecution continue to be assessed by the VBA. Plumbing prosecution matters are actioned in accordance with timeframes determined by the appropriate Court.

PLUMBING PROSECUTIONS 2021–22 FYTD*

PLUMBING - INDIVIDUALS

Accused name	Description of matter	Result	Penalty (\$)*	Date
RONALDS, Anthony	Carried out a bathroom renovation including regulated plumbing work when he was not a licensed or registered plumbing practitioner. Also supplied two fraudulent compliance certificates.	Guilty plea entered on 7 charges. Conviction recorded - \$1000 fine plus \$350 costs.	\$1,000	4/11/2021

* Excludes costs.

#This list does not include prosecutions commenced by the VBA which were subsequently withdrawn.

Plumbing Inquiry

Plumbing Inquiries are disciplinary proceedings into the conduct of plumbing practitioners commenced by the VBA and heard before a VBA delegate. Plumbing Inquiries moved to an online format in 2020-21.

Following a plumbing investigation, if serious non-compliance with plumbing legislation has been identified, such as carrying out plumbing work outside the class of licence/registration held or providing false/misleading information on a compliance certificate, a recommendation may be made to proceed with a disciplinary inquiry.

When considering the outcome and associated penalties of the inquiry, the VBA delegate will consider:

- the severity of the plumber's actions
- the cost of damages resulting from the actions
- prior offences
- level of cooperation with the inquiry process
- gaps in knowledge/experience that indicate further training may be required.

The delegate also considers what is appropriate to reprimand the practitioner and deter both the individual practitioner and the industry more broadly.

Once a decision is finalised, the practitioner is advised of the disciplinary outcome, which may include:

- a reprimand
- a monetary fine determined by the Act
- further training in a particular class of plumbing
- suspension or cancellation of a plumbing licence or registration for up to three years.

PLUMBING INQUIRY – 2020–21 AND 2021–22 FYTD		
PLUMBING INQUIRIES*	2020–21	JUL-DEC
Number of inquiries held	43	6
Reprimands issued to practitioners	6	0
Training required	8	0
Financial penalties imposed	42	6
Suspensions of licence	5	1
Cancellations of licence	0	0
Disqualification	1	
Compliance certificate audits	7	2

**Inquiry outcomes can include more than one sanction e.g. reprimand and financial penalty imposed.*

All plumbing inquiry outcomes in the first half of 2021–22 included a financial penalty being handed to the practitioner, acting as a significant deterrent to future offending. The number of inquiries held was impacted due to a diversion of resources to areas of priority.

PLUMBING INQUIRY OUTCOMES 2021-22 FYTD*

Accused name	Description of matter	Result	Penalty (\$)	Date
BOWYER, Brent	Carried out plumbing work that did not comply with Part 12A of the Act or the regulations. Lodged a compliance certificate which contained a misstatement of fact.	Two grounds proven. Fine of plus Costs \$468	\$2,726.10	30/9/2021
OTTAVIANI-GIAMMARCO, Anthony	Carrying out plumbing work where a compliance certificate was required, when he was not licensed in the relevant classes. Fraudulent conduct in regard to the carrying out of any plumbing work	Two grounds proven. Fine of 100 PU plus costs \$468. Disqualification from being licensed or registered for 3 years.	\$18,174	13/10/2021
DA FONTE, Timothy	Carried out work that was defective in workmanship and did not comply with the Act or regulations. Failed to comply with the requirements of a rectification notice in the specified time.	Two grounds proven. Fine of 25 PU plus costs \$468. Suspension of licence in the class of 'Class R - roofing (stormwater)' for a period of 12 months. The next 5 compliance certificates lodged in respect of roofing will be audited by the Authority.	\$4,543.50	28/10/2021
BELL, Zachary	Failed to lodge a compliance certificate within 5 days for the plumbing work being carried out. Lodging a compliance certificate containing misstatement of fact.	Two grounds proven. Fine of 40 PU plus costs \$234.	\$7,269.60	10/11/2021
SPIERINGS, Luke	Carrying out non-compliant plumbing work, or permitting others to carry out plumbing work that was defective in workmanship. lodging a compliance certificate containing a misstatement of fact; failing to provide the water authority with an accurate plan of the sanitary drain as it appeared after the work was completed, before lodging the compliance certificates.	Three grounds proven. Fine of 30 PU plus costs \$234. The next 5 compliance certificates lodged will be audited by the Authority.	\$5,452.20	10/11/2021

The VBA can only publish Plumbing Inquiry outcomes where a publication order is in place. **PU = Penalty Unit**

* Excludes costs.

Plumbing Enforcement Case Studies

Plumber fined almost \$20,000 and disqualified

In October 2021, the VBA fined a Victorian plumber almost \$20,000 and disqualified him from being licensed or registered for three years for fraudulently issuing a compliance certificate when he was not authorised to do so.

Anthony Ottaviani-Giammarco was found to be in breach of the *Building Act 1993* in an Inquiry by the VBA.

The VBA's delegate found that Mr Ottaviani-Giammarco deliberately disregarded his obligations as a practitioner and ordered him to pay \$18,174 disqualifying him from being licensed or registered until late 2024.

At the time of the offending, he was a registered plumber, but not licensed.

Two plumbers penalised thousands of dollars

In December 2021, two plumbers were penalised thousands of dollars for various breaches, including some which led to water leaks.

Zachary Bell faced a VBA disciplinary inquiry, following a complaint from a homeowner that he carried out defective plumbing work at a property in Footscray that had caused persistent water leaks.

The Inquiry found Mr Bell failed to lodge a compliance certificate within five days of plumbing work being carried out and then later lodged a compliance certificate which had incorrect information.

Mr Bell was penalised \$7,269.60.

In a separate matter, Luke Spierings was found by the Inquiry to have carried out non-compliant plumbing work at a property in Beaumaris.

Mr Spierings also lodged a compliance certificate containing a misstatement of fact and failed to provide the water authority with an accurate plan of the sanitary drain.

Mr Spierings was penalised \$5,454.20.

A woman wearing a white hard hat and an orange safety vest is working on a laptop at a construction site. The hard hat and safety vest both feature the logo of the Victorian Building Authority (VBA). The woman is also wearing glasses and has a lanyard around her neck. The background shows the wooden framework of a building under construction. A large blue box with the word "BUILDING" in white capital letters is overlaid on the left side of the image. In the bottom right corner, there is a decorative graphic consisting of overlapping blue and dark blue geometric shapes.

BUILDING

Complaints

The VBA receives complaints relating to contraventions of building legislation. In assessing complaints received, we are concerned with:

- Non-compliant building work:
 - » Building work that is not in accordance with the building permit
 - » A building permit that is not in accordance with the relevant legislation
- The professional conduct of building practitioners
- Unregistered persons carrying out building work.

Our complaints management process may involve:

- Carrying out an assessment of the evidence presented to substantiate non-compliance. This includes a technical assessment where required.
- Consideration of any actions required by the relevant building surveyor or municipal building surveyor to bring work into compliance.

- Assessing the conduct of the relevant building practitioners/ persons and depending on the severity of a matter and the history of the subject, the VBA will either:
 - » Issue an Education Letter
 - » Issue an Education Letter with a Caution
 - » Issue an Education Letter and place the subject On Notice of a pending investigation, if conduct is repeated
 - » Escalate a complaint to an investigation
 - » Refer a subject for practitioner discipline.
- Refer the complainant to Domestic Building Dispute Resolution Victoria (DBDRV), or to another agency where the issues are outside of the VBA's jurisdiction.

Complaints

BUILDING COMPLAINTS – 2020–21 AND 2021–22 FYTD		
COMPLAINTS	2020–21	JUL-DEC
Number of Complaints received	1,800	936
Number Complaints closed	1,727	949
Outcome Actions		
Concluded*	882	520
Referral of a complainant to DBDRV	297	170
Practitioner Cautions (Education and Warning)	188	154
Escalated for Investigation or Practitioner Discipline	360	105

*Concluded means: not substantiated/insufficient evidence/resolved/referral to another agency.

936 BUILDING RELATED COMPLAINTS WERE RECEIVED IN THE FIRST HALF OF 2021–22 AND;

949 WERE CLOSED:

520 complaints concluded via liaising with the complainant and/or practitioner.

170 complaints referred to Domestic Building Dispute Resolution Victoria (DBDRV).

154 education letters and warnings issued to building practitioners.

105 complaints escalated to an investigation or to practitioner discipline for consideration, due to the severity of potential contraventions.



The number of building complaints received in the first half of 2021–22 remained steady compared to the same period a year ago. Matters of a serious nature or practitioners with a history of repeated contraventions are escalated for investigation or practitioner discipline.

Building complaints received by the VBA frequently involve multiple issues. In the first half of 2021–22, approximately 60 per cent of complaints pertained to compliance issues and building defects. The most frequent compliance issues related to timber framing, water ingress and roofing. Approximately 20 per cent of complaints were regarding building work at adjoining properties and approximately 11 per cent of complaints related to unregistered building work.

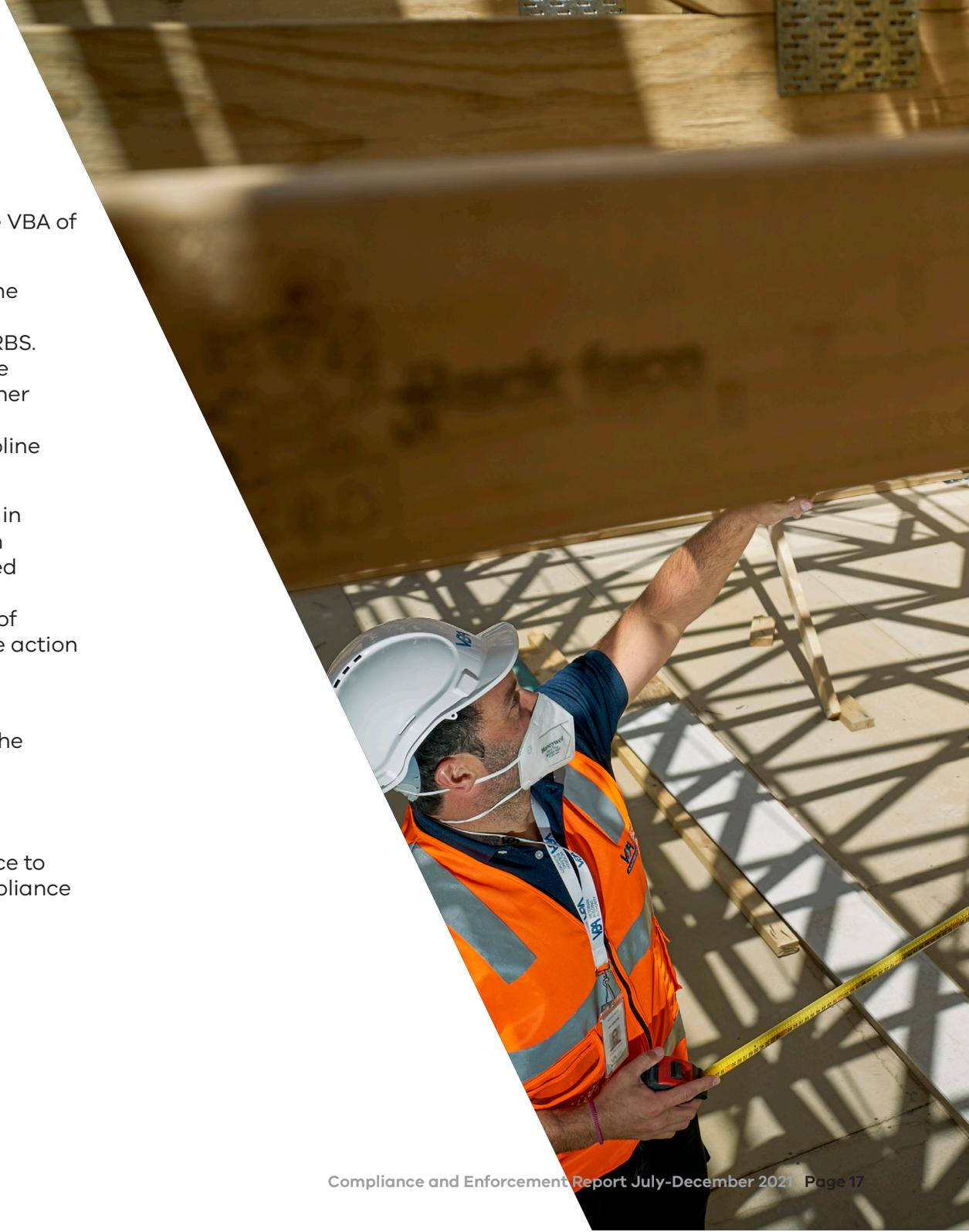
Statutory Referrals

The Act requires relevant building surveyors (RBS) to notify the VBA of specific offences by the builder listed on the permit:

- **s33:** failing to call for a mandatory inspection set out in the building permit or failing to stop work at completion of a mandatory notification stage if directed to do so by the RBS. When a s33 notification is received, the VBA considers the severity and the relevant history of the building practitioner in question. The VBA may issue a Caution to the building practitioner or refer the notification to practitioner discipline to consider.
- **s37:** failing to comply with a written Direction to Fix (DTF) in the timeframe provided to do so. When a DTF notification is received and is enforceable, the notification is escalated for practitioner discipline. If it is not enforceable, an Education Letter is sent to the RBS explaining the cause of unenforceability so the RBS can consider the appropriate action to achieve compliance.

The Act requires RBS' to refer a building order (BO) to the VBA for enforcement if the property owner has failed to comply in the timeframe provided.

When a referred BO is received and is enforceable, the VBA will engage with the property owner to advise of the impending investigation and provide an opportunity to achieve compliance to the satisfaction of the RBS, without progressing further. If compliance is still not achieved, the matter is escalated for investigation.



STATUTORY REFERRALS – 2020–21 AND 2021–22 FYTD

STATUTORY REFERRALS	2020–21	JUL-DEC
Number of Statutory Referrals received	291	155
Building Order	120	58
Directions to Fix	76	22
Section 33 Referral	95	70
Number of Statutory Referrals closed	291	149
Building Order		
Escalated	40	11
Resolved by warning	27	33
Unenforceable instrument	53	14
Directions to Fix		
Escalated	22	7
Unenforceable instrument	54	15
Section 33 Referral		
Escalated	50	36
Resolved by warning	42	24
Insufficient information	3	9

155 STATUTORY REFERRALS WERE RECEIVED IN THE FIRST HALF OF 2021–22 AND 149 STATUTORY REFERRALS WERE CLOSED.

The number of statutory referrals received in the first half of 2021–22 remained consistent, compared to the same period a year ago. The number of Direction to Fix notifications decreased and the number of Section 33 referrals increased. The volumes and types of statutory referrals are variable and depend on what is received from building surveyors.

Of the 58 Building Orders referred to the VBA in the first half of 2021–22, 33 were resolved informally and 11 were referred for investigation. The number of Building Orders referred to investigation has decreased due to a new emphasis on achieving compliance through informal engagement with the property owner. There were 24 Cautions issued for s33 offences by builders and 43 referrals to Practitioner Discipline to consider for both s33 and DTF contraventions, which is broadly consistent with 2020–2021.

Unenforceable Building Orders and Directions to Fix remains an issue the VBA is committed to resolving through collaboration with building surveyors. To enable a confident and thriving industry, the VBA is continually exploring opportunities to create a more effective oversight system and strengthen the building surveying profession

This includes sending educational letters to building surveyors when the VBA receives unenforceable instruments. These letters detail why the instrument is unenforceable and what to do next, including speaking to a VBA Senior Technical Advisor.

Terminations

The Act provides that the appointment of a private building surveyor cannot be terminated without the consent of the VBA, except where a transfer of function has occurred under Section 80C. This is because when implementing building standards, a building surveyor may need to make difficult decisions that conflict with the wishes of a builder or owner. The Act ensures that legal requirements cannot be avoided, and consent is provided in limited circumstances in accordance with the Act.

The VBA does not terminate the appointment of private building surveyors. It provides written consent to the applicant to end an appointment.

TERMINATIONS – 2020–21 AND 2021–22 FYTD		
TERMINATIONS	2020–21	JUL-DEC
Number of applications received	559	219
Number of applications closed	602	216
Consent granted	415	102
Multiple appointments	52	20
Consent declined	37	10
Cancellation of building work	86	55

219 TERMINATION APPLICATIONS WERE RECEIVED IN THE FIRST HALF OF 2021–22.

216 TERMINATION APPLICATIONS WERE CLOSED:



102 were granted consent.

55 related to cancelled building work.

20 related to multiple appointments.

10 consent was declined.

A decrease in the number of termination applications received in the first half of 2021–22 compared to 2020–2021 is a normal fluctuation, as application volumes vary, based on building surveyors who are no longer practicing, and when a new appointment is required. There has been a decrease in the number of termination applications due to property owners appointing more than one building surveyor for the same building work, and a decrease in the number of applications that were declined.

Notification of cancelled building work has increased from 14 per cent in 2020–2021 to 25 per cent in the first half of 2021–22.

Transfer of Functions

A Private Building Surveyor (PBS) may transfer their functions to another PBS or a Municipal Building Surveyor permanently or for a fixed period under the Act.

A PBS may wish to transfer their functions for reasons such as taking extended leave, relocating their business, ill health or retirement, or by agreement with their client.

The PBS does not require the VBA's consent in order to transfer functions, however they are required under the Act to notify both the VBA and the relevant council that the transfer of functions has taken place in order for it to take effect.

TRANSFER OF FUNCTIONS – 2020–21 AND 2021–22 FYTD

INVESTIGATIONS	2020–21	JUL-DEC
Number transfer notifications received	3,407	1,058

Investigations

The VBA conducts investigations to form an opinion as to whether there is sufficient evidence to prove that a person has committed a breach of building legislation. Investigations focus on:

- Establishing the truth or otherwise of a complaint, allegation or other information that suggests a breach of relevant legislation, and;
- Investigating in an objective and unbiased manner, while always observing the requirements of legislation.

We identify breaches of legislation, regulations and professional standards. This can involve conducting interviews, preparing reports and detailed briefs of evidence, participating in court proceedings, and providing advice and information to the plumbing industry.

BUILDING INVESTIGATIONS - 2020-21 AND 2021-22 FYTD		
INVESTIGATIONS	FY 20-21	JUL-DEC
Number of Investigations underway	N/A*	198
Number of Investigations completed	348	94
Outcome Actions		
Resolved without further enforcement action	148	45
Caution	39	17
Referred for practitioner discipline	123	24
Referred for prosecution	38	6
On-notice	0	2

*The number of building investigations is underway is expressed as a rolling figure.

198 BUILDING INVESTIGATIONS ARE ONGOING IN THE FIRST HALF OF 2021-22 AND 94 INVESTIGATIONS WERE COMPLETED. OF THE COMPLETED INVESTIGATIONS:



45 investigations were resolved without further enforcement actions.

24 investigations referred for practitioner discipline.

17 practitioners received a caution.

6 investigations were recommended for prosecution.

Most common building work investigated (Jul-Dec)

- Building without a permit
- Building work not undertaken in accordance with a permit
- Unregistered and uninsured people undertaking building work
- Mandatory inspections not being completed as required

The VBA has implemented a triage process to help make better decisions about what issues warrant further investigation. This smarter approach allows the VBA to regulate more effectively and prioritise serious non-compliance, while handling some issues through low-level enforcement actions, such as issuing cautions and providing education to practitioners.

The research and data the VBA gains from building investigations helps us translate this knowledge into practical, real-life solutions to facilitate industry innovation, educate practitioners and consumers and inform government policy.

Building Enforcement Case Studies

Builder's registration cancelled and disqualified for three years

In July 2021, the VBA cancelled the registration of Rocco Barba and disqualified him from holding registration for a period of three years.

Mr Barba was also penalised \$38,000 for numerous breaches of the 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.

Mr Barba had his Commercial Builder - Limited registration cancelled as a consequence of the VBA finding he is not a fit and proper person to hold registration as a building practitioner.

Mr Barba has appealed to the Victorian Civil Administrative Tribunal and his penalties are stayed.

Builder disqualified for 18 months

In September 2021, a Victorian builder was disqualified for 18 months and penalised \$40,000 for building without a permit, without insurance and undertaking plumbing work without qualifications, among other breaches.

Phillip Jones, owner of D & P Sales Pty Ltd, had his registration cancelled by the VBA after it found he had committed a string of offences in Glen Iris.

The VBA found Mr Jones carried out major domestic building work that was not covered by the required insurance, twice carried out building work without a building permit and did not work in accordance with the building permit and the Building Code of Australia.

Building Practitioner Discipline

The VBA takes disciplinary action in relation to investigated complaints, reported non-compliances with mandatory requirements of the building regulatory scheme (statutory referrals), and matters identified by the Proactive Inspection Program.

The main statutory referrals are non-compliances with Directions to Fix, breaches of DBDRV orders, missed mandatory inspections and external administration matters affecting the registration status of the practitioner.

The building practitioner discipline process commences following issuance of a show cause notice. The number of show cause notices issued is the key reporting indicator for activity in this area. The show cause notice provides procedural fairness to practitioners, and affords them the opportunity to respond in writing or orally (by video conference since March 2020). Following this response, a decision to take disciplinary action is subject to both internal review and review in the Victorian Civil and Administrative Tribunal (VCAT).



BUILDING PRACTITIONER DISCIPLINE - 2020–21 AND 2021–22 FYTD

BUILDING PRACTITIONER DISCIPLINE	2020–21	JUL-DEC
Number of referrals received	295	151
Investigations	129	37
Direct from complaints & statutory referrals	94	83
Processing services (registration matters)	72	32
Number of Show Cause notices issued[#]	104	78
Decisions issued[*]	78	55
Reprimands issued to practitioners	52	41
Cancellations of registration	11	8
Suspensions of registration	14	12
Conditions placed on registration	8	6
Disqualifications	5	6
Training required	6	5
Enforceable undertakings	2	0
Financial penalties imposed	48	38
Warning	1	1
Resolved without further enforcement action	5	2

**Decisions often include more than one sanction e.g. reprimand plus monetary fine.*

[#]Show cause notices issued does not include those issued on cladding matters

The number of matters referred for building practitioner discipline in the first half of 2021–22 is consistent with the same time a year ago. The number of referrals received represents new matters identified within the VBA as potentially warranting disciplinary action or an informal caution. There has been a decrease in the number of investigated complaints and increase in the number of statutory referrals. This reflects improvements in triage and assessment of complaint matters and greater capacity to proceed with disciplinary action in support of key statutory referral matters, such as compliance with Directions to Fix given by building surveyors and with dispute resolution orders made by DBDRV.

Show cause notices issued in the first half of 2021–22 represent an increase in conversion of referrals, consistent with the outcomes of the improvements in triage and assessment.

The reprimand remains the most common form of disciplinary action taken by the VBA and is generally issued in conjunction with a monetary penalty or a requirement to undertake training. Monetary penalties match the nature of contraventions balanced with practitioners' circumstances. In 2021–22, these penalties ranged from \$2,000 to \$4,000 for missed inspections to \$57,500 for serious misconduct.

As Victoria's building regulator, the VBA used its immediate suspension powers to remove a builder from practice for carrying out unsafe and unfenced excavation works at two sites, as well as a series of other building code breaches. This matter resulted in a monetary penalty of \$57,500 and the practitioner had their registration cancelled and are disqualified for three years.

The VBA is committed to equipping everyone who interacts with the building system with the knowledge and pathways they need to get the best outcomes. To protect the community in instances where practitioners do the wrong thing, we are strengthening our capacity to take firm action when needed, to keep Victorians safe and hold practitioners to account.

Practitioners who are non-compliant with a Direction to Fix or in breach of a DBDRV order are suspended until compliance is achieved. The VBA is committed to safeguarding Victoria's future and the construction of safe and resilient buildings is crucial to protect the lives and livelihoods of all Victorians. This is achieved by good practice regulation and consumers having confidence in an accountable and compliant industry that acts with integrity.

Cancellation and disqualification are reserved for the most serious conduct matters, where the VBA forms the view that the protective purpose of the building regulation scheme requires the removal of the practitioner from practice.

BUILDING PRACTITIONER DISCIPLINE OUTCOMES 2021-22 FYTD

BUILDING - INDIVIDUALS

Accused Name	Registration Number	Conduct	Result	Penalty (\$)*	Notice of decision#
RAMADAN, Adnan	BS-U 39024; BS-L 38913	Issuing building permits without justification in relation to the use of combustible cladding for external walls at 4 multi-unit sites. Subject to VCAT review.	Reprimands, penalties of \$22,500 and suspension for 1 month.	\$22,500	01/07/2021
TSANTIS, Anastasios	BS-U 18514	Failing to comply with a notice to produce documents and related unprofessional conduct.	Reprimands, penalties of \$8,261 and partial suspension for 2 months.	\$8,261	01/07/2021
MANFRE, Andreano	BD-L 29175	Failing to call for mandatory inspections (as director of company undertaking building work) in respect of demolition of 3 side-by-side commercial units.	Reprimand and a penalty of \$4,000.	\$4,000	13/09/2021
LEHMANN, Andrew	BS-U 15013	Issuing a building permit without justification, performing work other than in a competent manner or to a professional standard, in relation to the use of combustible cladding for external walls at one site in Canterbury.	Reprimand and a penalty of \$7,269.60	\$7,269.60	31/08/2021
LEMAN, Benn	DB-L 41760	Failing to call for a mandatory inspection (frame stage) in respect of alterations to a dwelling.	Reprimand and a penalty of \$3,000.	\$3,000	27/07/2021
MUIR, Daniel	CB-L 45757	Carrying out building work other than in compliance with a building permit in respect of construction of a facade parapet a commercial site in Geelong, failing to ensure that approved materials were at site as required and that approvals for related occupation of footpaths and roads had been obtained.	Reprimands, penalties of \$6,000, requirement for training and suspension for 3 months.	\$6,000	27/08/2021

*Excludes costs.

#The date of decision shown is the date the decision was made by the VBA's original decision maker or, where the practitioner sought an Internal Review, the date of any subsequent decision by the VBA's internal reviewer.

BUILDING PRACTITIONER DISCIPLINE OUTCOMES 2021–22 FYTD

BUILDING - INDIVIDUALS

Accused Name	Registration Number	Conduct	Result	Penalty (\$)*	Notice of decision
SILVER, David	CB-U 5329; DB-U 4814	Failing to call for a mandatory inspection (foundations) in respect of construction of a control room building and an amenity building.	Reprimand and a penalty of \$2,000.	\$2,000	9/09/2021
ZARIC, Dragan	DB-M 27320	Failing to call for two mandatory inspections (pre- footing and framework stages) in respect of the construction of a second dwelling, carport and alteration to existing dwelling.	Reprimand and penalties of \$7,000.	\$7,000	15/07/2021
DANIELS, Jason	BS-U 1441	Issuing building permits and occupancy permits without justification, performing work other than in a competent manner or to a professional standard, in relation to the use of combustible cladding for external walls at 5 sites. Subject to VCAT review.	Reprimands, penalties of \$14,539 and to suspension for 3 months.	\$14,539	27/08/2021
EYERS, Peter	BS-U 14435	Issuing building permits and occupancy permits without justification, performing work other than in a competent manner or to a professional standard, in relation to the use of combustible cladding for external walls at 5 sites. Subject to VCAT review.	Reprimands, penalties of \$27,261.30, requirement for training (Performance Based Building and Fire Codes) and suspension for 14 weeks.	\$27,261.30	20/08/2021
PIROVICH, Peter	DB-U 3639; CB-U 2836	Holding office in a company under external administration.	Registration condition for no new permits without the consent of the Authority.	-	27/07/2021

*Excludes costs.

BUILDING PRACTITIONER DISCIPLINE OUTCOMES 2021-22 FYTD

BUILDING - INDIVIDUALS

Accused Name	Registration Number	Conduct	Result	Penalty (\$)*	Notice of decision
JONES, Phillip	DB-U 23135	Carrying out, under a major domestic building contract, building work not covered by the required insurance, carrying out building work without a building permit, carrying out building work not in compliance with the building permit and the Building Code of Australia, failing to call for a mandatory inspection, having plumbing work done by unlicensed and unregistered persons, having plumbing work carried out by person not appropriately licensed, issuing false invoices (unprofessional conduct), not a fit and proper person to be a building practitioner.	Reprimands, capped aggregate penalties of \$40,000 multiple suspensions concurrent to 18 months, cancellation of registration and disqualification from being registered in any class for 18 months.	\$40,000	6/08/2021
WONG, Sampson	BS-U 28992	Issuing an occupancy permit without having sighted a compliance certificate for roofing (stormwater) plumbing works and performing work other than in a competent manner or to a professional standard in approving the final inspection for a group of units in Richmond (gutters and downpipes non-compliant and insufficient).	Reprimands and penalties of \$4,500.	\$4,500	31/08/2021
RAY, Simon	DB-L 1378	Carrying out, under a major domestic building contract, building work not covered by the required insurance, carrying out building work without a building permit, performing building work other than in a competent manner or to a professional standard by demanding and receiving moneys before required insurance was in place, in respect of the construction of a swimming pool.	Reprimands, penalties of \$15,000 requirement to undertake training (legal obligations) and suspension for 3 months.	\$15,000	29/09/2021

*Excludes costs.

BUILDING PRACTITIONER DISCIPLINE OUTCOMES 2021-22 FYTD

BUILDING - INDIVIDUALS

Accused Name	Registration Number	Conduct	Result	Penalty (\$)*	Notice of decision
WATKINS, Simon	BD-L 33898	Failing to call for a mandatory inspection (precautions prior to building work) in respect of demolition of a dwelling.	Reprimand and a penalty of \$3,000.	\$3,000	20/08/2021
FINDLAY, Malcolm	BS-L 33560	Issuing a building permit inconsistent with planning permit in respect of bushfire protection measures.	Reprimand, penalties of \$4,000 direction to take remedial steps concerning bushfire management at site and registration condition setting out documentary requirements for building permits involving a bushfire management plan.	\$4,000	6/10/2021
BARBA, Rocco	CB-L 41528	False/misleading certifications of compliance with insulation and energy efficiency requirements (unprofessional conduct), carrying out building work other than in accordance with the building permit, carrying out domestic building work not permitted by his registration under the guise of a contract document with a domestic builder (unprofessional conduct), in respect of a 15 unit residential development for which the practitioner was effectively the developer, not a fit and proper person to practise as a building practitioner. Subject to VCAT review.	Reprimands, penalties of \$38,000 multiple suspensions of registration capped at 36 months, cancellation of registration and disqualification from being registered as a building practitioner in any class for 3 years.	\$38,000	26/11/2021
COFFIELD, Shayne	BD-M 17947	Failing to call for a mandatory inspection (precautions before building work) in respect of demolition of a garage.	Reprimand and penalty of \$2,000.	\$2,000	6/10/2021

*Excludes costs.

BUILDING PRACTITIONER DISCIPLINE OUTCOMES 2021-22 FYTD

BUILDING - INDIVIDUALS

Accused Name	Registration Number	Conduct	Result	Penalty (\$)*	Notice of decision
CALLANT, Phillip	DB-U 8846	Holding office in a company under external administration.	Registration condition for no new permits without the consent of the Authority.	-	8/10/2021
YAMAN, Joshua	DB-U 24171	Carrying out building work other than in compliance with the building permit and the Building Code of Australia, performing building work other than in a competent manner and to a professional standard in respect of the use of combustible cladding in the external walls of an apartment building in Coburg. Subject to VCAT review.	Reprimands and penalties of \$5,452.20.	\$5,452.20	2/12/2021
BARAKA, Sam	BD-L 41193	Failing to carry out building work in accordance with the Building Act and regulations and the building permit in respect of the demolition of a house at Footscray; allowing an unregistered body corporate of which he was not a director to enter into major domestic building contract naming him as the registered practitioner, failing to comply with protection work requirements, refusing or neglecting to make good the damage/cost of rectification to the adjoining property (unprofessional conduct). Subject to VCAT review.	Reprimand, requirement for training (supervise demolition), direction to reimburse adjoining owner for rectification of consequential damage and suspension of registration for 2 months.	-	21/12/2021
WOOD, Jayden	BS-U 42518	Issuing building and occupancy permits without justification, performing work other than in a competent manner or to a professional standard, in relation to the use of combustible cladding for external walls of an apartment building in Glen Iris.	Reprimands and penalties of \$7269.60	\$7,269.60	21/10/2021

*Excludes costs.

BUILDING PRACTITIONER DISCIPLINE OUTCOMES 2021-22 FYTD

BUILDING - INDIVIDUALS

Accused Name	Registration Number	Conduct	Result	Penalty (\$)*	Notice of decision
GOODMAN, Dean	BS-U 29165	Issuing building permits and occupancy permits without justification and performing building work other than in a competent manner and to a professional standard in relation to the use of non-compliant combustible cladding in the external walls of buildings at 4 sites.	Reprimands and penalties of \$36,348.	\$36,348	10/11/2021
SUN, Tao	DB-M 46152; DB-U 704040	Failing to ensure his registered company did not build without a building permit and did not undertake dangerous excavations at one site in Bulleen.	Reprimands, penalties of \$6000 and requirement for training (legal requirements, arrange applications and approvals).	-	12/11/2021
GOLD, Henry	DB-U 16980	Failing to comply with direction to fix building work within the specified period.	Reprimand and penalty of \$4,000.	\$4,000	15/10/2021
BEATON, David	BS-U 1254	Issuing building and occupancy permits without justification, performing building work other than in a competent manner and to a professional standard in relation to the use of non-compliant combustible cladding in the external walls of a building at one site at Warrnambool.	The practitioner received reprimands, a monetary penalty of \$9,087 and directed to undertake and successfully complete training within 12 months.	\$9,087	30/07/2021
SUN, Tao	DB-M 46152; DB-U 704040	Failing to ensure that his registered company did not fail to call for a mandatory inspection in respect of the construction of a dwelling.	Reprimand and penalty of \$2,000.	\$2,000	10/09/2021

*Excludes costs.

BUILDING PRACTITIONER DISCIPLINE OUTCOMES 2021-22 FYTD

BUILDING - INDIVIDUALS

Accused Name	Registration Number	Conduct	Result	Penalty (\$)*	Caveat for Notice of decision
DUNCANSON, Neville	DB-U 43680; CB-L 43674	Carrying out, personally and through his registered company, building work without a building permit; performing building work other than in a competent manner and to a professional standard, in relation to deep unsupported excavations posing a risk of undermining adjoining property and posing risks to life and safety; failing to address urgent safety measures directed by the relevant building surveyor; failing to carry out building work in accordance with the building permits; failing to comply with builders' obligations under the Domestic Building Contracts Act; failing to comply with compulsory document disclosures; failing to call for mandatory inspections in respect of new home builds at 2 sites in Sunshine; not a fit and proper person to practise as a building practitioner.	Reprimands, penalties of \$57,500, multiple suspensions cumulating to 3 years, cancellation of registration and disqualification for 3 years. (Practitioner had been immediately suspended pending show cause process).	\$57,500	6/12/2021
SMITH, Benjamin	BD-U 43919	Performing building work other than in a competent manner and to a professional standard in relation to issuing a building permit other than in the required form, failing to notify a change of builder, failing to consider precautions for public protection and issuing a building permit before a planning permit had issued.	Reprimand, penalty of \$6000 and direction to undertake training.	\$6,000	7/12/2021
LYNCH, Paul	DB-U 18316; CB-L 33881	Knowingly providing false or misleading information in application for renewal of registration by failing to disclose unpaid adjudicated amount or judgment debt.	Reprimand and penalty of \$12,000.	\$12,000	15/12/2021

*Excludes costs.

BUILDING PRACTITIONER DISCIPLINE OUTCOMES 2021-22 FYTD**BUILDING - INDIVIDUALS**

Accused Name	Registration Number	Conduct	Result	Penalty (\$)*	Notice of decision
COCO, Frank	BS-U 1082	Issuing building permits and occupancy permits without justification and performing building work other than in a competent manner and to a professional standard in relation to the use of non-compliant combustible cladding in the external walls of buildings at 4 sites.	Reprimands and penalties of \$5000. Practitioner formally undertook to refrain from issuing new building permits, to finalise existing building permits prior to 15 June 2022 and to retire on that date, transferring any continuing matters to another building surveyor.	\$5,000	17/12/2021
GHENT, Ioan	DB-U 12067	Carrying out building work other than in compliance with the building permit and the Building Code of Australia, performing building work other than in a competent manner and to a professional standard in respect of the use of combustible cladding in the external walls of 2 apartment buildings.	Reprimands and penalties of \$4,543.50	\$4,543.50	20/12/2021

*Excludes costs.

BUILDING PRACTITIONER DISCIPLINE OUTCOMES 2021-22 FYTD

BUILDING - COMPANY

Accused Name	Registration Number	Conduct	Result	Penalty (\$)*	Notice of decision
Afonso Building Solutions Pty Ltd	CDB-U 48594	Failing to call for a mandatory inspection (framework) in respect of the construction of a dwelling, attached garage and retaining walls.	Reprimand and penalty of \$2,000.	\$2,000	15/07/2021
Bena Constructions Pty Ltd	CDB-U 62345	Failing to give notice that it had ceased to have a nominee director (individual registered in a corresponding class).	Penalty of \$10,000.	\$10,000	26/07/2021
Detail Group Pty Ltd	CBD-L 56475	Failing to call for a mandatory inspection (completion of safety precautions) in respect of the demolition of an existing dwelling and garage.	Reprimand and penalty of \$1,500.	\$1,500	27/08/2021
DST Project Management and Construction Pty Ltd	CDB-M 49762	Failing to pay an adjudicated amount (\$47,705) under the security of payments scheme.	Reprimand and suspension of 3 months.	-	10/08/2021
Gallery Homes Pty Ltd	CDB-U 53131	Failing to call for mandatory inspection in respect of a single storey dwelling, associated garage and retaining wall.	Reprimand and penalty of \$2,000.	\$2,000	30/09/2021
Hulusi Homes Pty Ltd	CDB-U 52824	Failing to call for 2 mandatory inspections (pre-footing and framework) in respect of internal alterations and additions to an existing dwelling.	Reprimand and penalty of \$1,500.	\$1,500	13/07/2021

*Excludes costs.

BUILDING PRACTITIONER DISCIPLINE OUTCOMES 2021–22 FYTD

BUILDING - COMPANY

Accused Name	Registration Number	Conduct	Result	Penalty (\$)*	Notice of decision
Hulusi Homes Pty Ltd	CDB-U 52824	Failing to call for a mandatory inspection(completion of safety precautions prior to demolition) in respect of the demolition of a front fence.	Reprimand and penalty of \$1,500.	\$1,500	13/07/2021
Kennedy Builders Pty Ltd	CDB-U 48097; CCB-L 69821	Failing to call for mandatory inspection in respect of a swimming pool and safety barrier.	Reprimand and penalty of \$6,000.	\$6,000	9/09/2021
Oz Pools Pty Ltd	CDB-L 58334	Failing to call for 2 mandatory inspections (footings and bond beam) in respect of the construction of a swimming pool and safety barrier.	Reprimand and penalty of \$3,000.	\$3,000	13/08/2021
Seido Pty Ltd	CDB-U 50198	Failing to call for a mandatory inspection.	Reprimand and penalty of \$2,000.	\$2,000	17/08/2021
Sierra Properties Pty Ltd	CDB-U 53863	Failing to call for a mandatory inspection in respect of a garage and studio.	Reprimand and penalty of \$3,000.	\$3,000	27/07/2021
Tony Gleeson Motors Pty Ltd	CDB-L 54479	Failing to call for a mandatory inspection (piers & preslab) in respect of construction of a shed.	Reprimand and penalty of \$1,500.	\$1,500	2/08/2021
Watpac Constructions Pty Ltd	CDB-U 56705	Being a body corporate without a nominee director holding corresponding registration.	Cancellation of registration.	-	15/07/2021
Wraith Built Pty Ltd	CCB-U 62608; CDB-U 62607	Being a body corporate without a nominee director holding corresponding registration.	Cancellation of registrations.	-	16/07/2021

*Excludes costs.

BUILDING PRACTITIONER DISCIPLINE OUTCOMES 2021–22 FYTD

BUILDING - COMPANY

Accused Name	Registration Number	Conduct	Result	Penalty (\$)*	Notice of decision
Global Reblocking Pty Ltd	CDB-L 49173	Failing to call for a mandatory inspection (footing – stump holes) in respect of the reblocking of an existing dwelling.	Reprimand and penalty of \$3,000	\$3,000	06/10/2021
Horsham Backhoe Hire Pty Ltd	CBD-L 64892	Failing to call for 3 mandatory inspections in respect of a swimming pool and safety barrier.	Reprimand and penalty of \$1,500.	\$1,500	11/10/2021
Perfect Homes Pty Ltd	CDB-U 49297	Failing to call for a mandatory inspection in respect of alterations to a dwelling.	Reprimand and penalty of \$2,000.	\$2,000	26/10/2021
All Vic Demolition and Excavation Pty Ltd	CBD-L 60008	Being in receipt of breach of dispute resolution order notice.	Reprimand and suspension for 3 years or until compliance achieved.	-	10/11/2021
K1 Homes ID Pty Ltd	CDB-U 50016	Failing to comply with written direction to fix within the specified period.	Reprimand, penalty of \$10,000 and suspension until compliance achieved.	\$10,000	25/11/2021
DST Project Management and Construction Pty Ltd	CDB-M 49762	Carrying out building work without a building permit, failing to call for a mandatory inspection (footings) and carrying out building work while not having a nominee director.	Reprimands and penalties of \$15,000.	\$15,000	30/11/2021
Kydan Group Pty Ltd	CDB-U 52644	Being in receipt of breach of dispute resolution order notice.	Reprimand and suspension for 3 years or until compliance achieved	-	2/12/2021

*Excludes costs.

BUILDING PRACTITIONER DISCIPLINE OUTCOMES 2021–22 FYTD

BUILDING - COMPANY

Accused Name	Registration Number	Conduct	Result	Penalty (\$)*	Notice of decision
Amville Constructions Pty Ltd	CDB-U 42430	Failing to carry out building work in accordance with the Building Act and regulations and building permit, performing building work other than in a competent manner and to a professional standard, in relation to deep unsupported excavation posing a risk of undermining adjoining property and posing risks to life and safety; failing to comply with builders' obligations under the Domestic Building Contracts Act; carrying out under a major domestic building contract work which was not covered by the required domestic building insurance, in respect of a new home site at Sunshine, not a fit and proper person to practise as a building practitioner.	Reprimands, multiple suspensions cumulating to 3 years, cancellation of registration and disqualification for 3 years.	-	6/12/2021
Ali Enterprise Developments Pty Ltd	CDB-U 62941	Failing to comply with written direction to fix within the specified period.	Reprimand and penalty of \$1,000.	\$1,000	23/12/2021

**Excludes costs.*

Prosecutions

The VBA may issue charges against a person (registered practitioner or other unregistered person) or body corporate for breaches of the Act. A VBA prosecution is a criminal proceeding that is heard in the Magistrates' Court of Victoria but may be heard in the County Court of Victoria depending on the offence(s) and circumstances.

The ability to issue criminal charges is an important regulatory tool for the VBA. Once an investigation has been completed, if serious non-compliance has been identified, we consider whether to initiate criminal proceedings. Examples of these serious non-compliances including carrying out building work without a building permit or unregistered persons carrying out building work.

The VBA will only proceed with a prosecution if there is a reasonable prospect of a conviction, and a prosecution is deemed to be in the best interests of the public.

BUILDING PROSECUTIONS - 2020-21 AND 2021-22 FYTD

PROSECUTIONS	FY 20-21	JUL-DEC
Number of Building Prosecutions completed by VBA	22	2

At the end of the first half of 2021-22, two prosecutions were completed. This is due to the length of the prosecution process. Recent referrals for prosecution continue to be assessed by the VBA. Building prosecution matters are actioned in accordance with timeframes determined by the appropriate Court.

BUILDING PROSECUTION OUTCOMES 2021–22 FYTD#**BUILDING - INDIVIDUALS**

Accused name	Description of matter	Result	Penalty (\$)*	Date
KOVACEVIC, James	Knowingly provided false or misleading information to a person or body carrying out the function of the relevant building surveyor under the Act by providing the details of registered building practitioner when he knew that the practitioner would not be undertaking the building works.	Guilty plea to one representative charge reflecting five incidents of offending. Conviction and \$9,500 fine.	\$9,500	18/11/2021
MAALIKI, Allan	Carried out domestic building work under a major domestic building contract when he was not registered to do so. Works included bathroom renovation and several other rooms.	Proven, without conviction, adjourned undertaking, 12-month bond to be of good behaviour and not undertake building works, \$150 prosecutor costs payable to the VBA.	\$150 prosecutor costs payable to VBA	9/12/2021

*Excludes costs.

#This list does not include prosecutions commenced by the VBA which were subsequently withdrawn.

Victorian Building Authority

Online

www.vba.vic.gov.au

Email

customerservice@vba.vic.gov.au

Postal Address

PO Box 536
Melbourne VIC 3001

Telephone

1300 815 127

Opening Hours

Monday to Friday, 8:30am to 5:00pm

Registered Office

Goods Shed North
733 Bourke Street
Docklands VIC 3008