

## Notification during building work

This fact sheet explains new and amended provisions within Part 4 of the *Building Act 1993* (the Act), which commence on 1 July 2018 and affect processes associated with mandatory notification stages.

### THE CHANGES

#### Notification during building work

Section 33(1) of the Act requires the builder named on a building permit (rather than the person in charge of the building work) to ensure that the relevant building surveyor is notified upon completion of a mandatory notification stage. This must be done without delay. The existing penalty of up to 120 penalty units (\$19,342.80 as of 1 July 2018) is maintained for individuals, and a new penalty of 600 penalty units (\$96,714.00 as of 1 July 2018) applies for a body corporate.

Section 33(2) requires the builder to ensure that any person carrying out building work stops 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**. There is no prescribed or approved form for this direction. However, it should be given in writing to the builder and should specify that it relates to section 33(2) of the Act. A direction under this section is different to that under Division 2 of Part 4 of the Act, "Directions to fix building work", as it may be given prior to an inspection of the building work. If contravened, a penalty of up to 120 penalty units applies for individuals, and 600 penalty units for a body corporate.

Section 33(3) requires that where the relevant building surveyor becomes aware of any non-compliance with subsections (1) or (2), they must notify the VBA. There is no approved form or format for this notice. However, it must be given in writing, and, without limiting what may be provided, it is recommended that the following information be considered:

- a copy of the building permit and related documentation;
- the name and registration number of the builder;
- any inspection record and/or information as prescribed by regulation 173 of the *Building Regulations 2018*;
- a copy of any direction for building work to stop;
- the status of the building work;
- the relevant mandatory inspection stage;
- details of how the relevant building surveyor became aware that work proceeded past the mandatory inspection stage, including the date; and
- any photographs or other information.

#### Want to know more?

Review new and amended sections within the *Building Act 1993*.

Review new and amended regulations within the *Building Regulations 2018*.

Please submit an enquiry or call us on 1300 815 127.

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