

File Number

FORM 12
Building Act 1993

Regulation 182(1), Building Regulations 2018

BUILDING ORDER (GENERAL)

This building order is made under section 111 of the **Building Act 1993**.

***WARNING:** THIS ORDER HAS BEEN SERVED IN ACCORDANCE WITH SECTION 236(4A) OF THE **BUILDING ACT 1993**. UNDER SECTION 236(7) OF THAT ACT, IT IS AN OFFENCE FOR A PERSON TO REMOVE OR DEFACE THIS ORDER WITHOUT THE PRIOR CONSENT OF THE RELEVANT BUILDING SURVEYOR, THE RELEVANT COUNCIL OR THE VICTORIAN BUILDING AUTHORITY. THE MAXIMUM PENALTY FOR THIS OFFENCE IS 500 PENALTY UNITS FOR A NATURAL PERSON AND 2500 PENALTY UNITS FOR A BODY CORPORATE.

TO:

The ***owner, *occupier, *any person, *class of person:**
Full name or class of person

Of:
Address for service on owner, occupier or person or class of person

***AND TO:**

***Any other person or *class of person:**
Full name or class of person

Of:
Address for service on person or class of person

FROM:

^ Private Building Surveyor

I am the private building surveyor appointed to carry out functions under the **Building Act 1993** in relation to the ***building/*land/*place** of public entertainment, which is the subject of this building order.

^ Municipal Building Surveyor

I am the municipal building surveyor of
Insert name of Municipal District

I am authorised to make a building order under section 111 of the **Building Act 1993**.

PROPERTY DETAILS:

Location of the ***building/*land/*place** of public entertainment to which this order applies:

Address:
Number Street City/Suburb/Town Postcode

Title Particulars:
Lot/s LP/PS Volume Folio
.....
Crown Allotment Section Parish County

Municipal District:

ORDER:

I, as the relevant building surveyor, order that:

- *1. By _____ on _____, the *owner/*occupier of the _____
[insert time] [insert date] [insert description and address of building/land/place of public entertainment]
MUST evacuate the *building/*land/*place of public entertainment.

- *2. By _____ on _____, any person or class of person served with this order must
[insert time] [insert date]
vacate the *building/*land/*place of public entertainment _____
[insert description and address of building/land/place of public entertainment]

- *3. At _____ on _____, entry into the *building/*land/*place of public entertainment
[insert time] [insert date]
_____ by _____ is prohibited
[insert description and address of building/land/place of public entertainment] [specify person or class of person served with this order]
for a period of _____ unless permitted by the municipal building surveyor.
[insert period of time of prohibition]

- *4. At _____ on _____, use of the *building/*land/*place of public entertainment
[insert description and address of building/land/place of public entertainment] by _____ is prohibited for a period of
[specify person or class of person served with this order]
_____ for _____ unless permitted by the municipal building
[insert period of time of prohibition] [specified prohibited use]
surveyor.

- *5. At _____ on _____, occupation of the *building/*land/*place of public
[insert time] [insert date]
entertainment _____ by _____ is
[insert description and address of building/land/place of public entertainment] [specify person or class of person served with this order]
prohibited for a period of _____ unless permitted by the municipal building
[insert period of time of prohibition]
surveyor.

- *6. By _____ on _____, the owner of the *building/*land/*place of public
[insert time] [insert date]
entertainment _____ **MUST** carry out the following
[insert description and address of building/land/place of public entertainment]
building work _____.
[insert detailed description of building work required to be carried out by this order]

- *7. By _____ on _____, the owner of the *building/*land/*place of public
[insert time] [insert date]
entertainment _____ **MUST** carry out the following
[insert description and address of building/land/place of public entertainment]
protection work _____.
[insert detailed description of protection work required to be carried out by this order].

- *8. By _____ on _____, the owner of the *building/*land/*place of public
[insert time] [insert date]
entertainment _____ **MUST** carry out the following
[insert description and address of building/land/place of public entertainment]
other work as required by the Building Regulations 2018 in relation to the *building/*land/
*place of public entertainment

[insert detailed description of other work required to be carried out by the Building Regulations 2018, including the BCA. Include references to the relevant regulation and/or
clauses of the BCA].

- *9. By _____ on _____, the owner must cause the *building/*land/*place of public
[insert time] [insert date]
entertainment _____ to be inspected by _____
[insert description and address of relevant building, land or place] [name of specified person].

- *10. By _____ on _____, the *owner/*builder must cause _____
[insert time] [insert date] [describe specified material]
used in the *building/*land/*place of public entertainment _____ to
[insert description and address of building, land or place of public entertainment]
be tested by _____.
[name of specified person]

*11. By _____ on _____, the *owner/*builder must arrange for _____
[insert time] [insert date] [insert the building product or material]
used in the building _____ to be destructively tested by a prescribed
[insert description and address of building]
testing authority.

12. The *owner/*builder must provide the results of the destructive testing to *the relevant
building surveyor/* _____ within _____ after the
[name and address of other person authorised by the relevant building surveyor to receive the results] [specified time]
prescribed testing authority completes the destructive testing.

REASON(S) WHY THIS ORDER WAS MADE:

In accordance with section 111 of the **Building Act 1993**, I am of the opinion that the following
circumstance(s) exist(s):

***Building work was carried out without a building permit being issued and in force under the
Building Act 1993**

The following building work has been carried out on the *building/*land/*place of public
entertainment without a building permit as required by the **Building Act 1993**:

[insert description of building work carried out on the relevant building, land or place of public entertainment without a building permit]

***Building work carried out in contravention of a building permit**

Building work has been carried out on the *building/*land/*place of public entertainment in
contravention of a building permit.

The particulars of the relevant building permit are:

Building permit no.: Date of issue of building permit:

The building work that contravenes the building permit is
[describe work]

[state reason(s) for why the building work does not comply with the building permit identified above]

A copy of the relevant building permit is **attached** to this order.

***Building work has been carried out in contravention of the Building Act 1993**

Building work has been carried out on the *building/*land/*place of public entertainment in
contravention of the **Building Act 1993**.

The building work that contravenes the Building Act 1993 is
[describe work]

*[state reason(s) why this building work does not comply with the **Building Act 1993**, using specific references to the section(s) of that Act that have been breached by the building work]*

***Building work has been carried out in contravention of the Building Regulations 2018 (this includes building work carried out in contravention of the Building Code of Australia)**

Building work has been carried out on the *building/*land/*place of public entertainment in contravention of the Building Regulations 2018.

The building work that contravenes the Building Regulations 2018 is
[describe work]

[state reason(s) why building work does not comply with the Building Regulations 2018, using specific references to the regulation(s) that have been breached by the building work, including clauses of the BCA if applicable]

***The use of the building or place of public entertainment contravenes the Building Act 1993**

The use of the *building/*place of public entertainment as
[insert description of use]
contravenes the **Building Act 1993**.

*[state reason(s) why use or uses of the building or place of public entertainment do not comply with the **Building Act 1993**, using specific references to the section(s) of that Act that have been breached by the use or uses]*

***The use of the building or place of public entertainment contravenes the Building Regulations 2018**

The use of the *building/*place of public entertainment as a
[insert description of use]
contravenes the Building Regulations 2018.

[state reason(s) why the use or uses of the building or place of public entertainment do not comply with the Building Regulations 2018, using specific references to the regulation(s) that have been breached by the use or uses]

***Safety or emergency services, installations or equipment have not been maintained in accordance with the occupancy permit and the Building Regulations 2018**

Safety or emergency service(s), installation(s) or equipment in the *building/*land/*place of public entertainment have not been maintained in accordance with the occupancy permit and the Building Regulations 2018.

[detail the safety or emergency services, installations or equipment that have not been maintained, and identify the requirement in the occupancy permit or the Building Regulations 2018 that each safety or emergency service, installation or equipment has not been maintained in accordance with]

***Building or place of public entertainment is unfit for occupation**

*The building is unfit for occupation.

*The place of public entertainment is unfit for occupation or for use as a place of public entertainment.

[state reason(s) why the building or place of public entertainment is unfit for occupation or for use as a place of public entertainment]

***A building or place of public entertainment is a danger to life, safety or health**

The *building/*land/*place of public entertainment is a danger to the life, safety or health of any member of the public or of any person using the *building/*land/*place of public entertainment or to any property.

[state reason(s) why the building, land or place of public entertainment or building work on the building, land or place of public entertainment is a danger to the life, safety or health of any member of the public or of any person using the building, land or place of public entertainment or to any property]

***Building work is a danger to life, safety or health**

Building work on the *building/*land/*place of public entertainment is a danger to the life, safety or health of any member of the public or of any person using the *building/*land/*place of public entertainment or to any property.

[state reason(s) why building work on the building, land or place of public entertainment is a danger to the life, safety or health of any member of the public or of any person using the building, land or place of public entertainment or to any property]

DETAILS OF RELEVANT BUILDING NOTICE:

Date of service of building notice:

Due date for making representations as specified in the building notice:

A copy of the relevant building notice is **attached** to this building order.

At the date of making this order, the due date for the owner to make representations has now expired.

*Representations were made by the owner. After considering these representations, I am of the opinion that, for the reasons set out in this order, the making of this building order is warranted.

*Representations were not made by the owner.

***INSPECTION DETAILS:**

*The date and time of any inspection of the *building/*land/*place of public entertainment carried out by myself as the relevant building surveyor was—

Time of inspection: **Date of inspection:**

[list any inspections carried out by the relevant building surveyor]

*The date and time of any inspection relied on by myself as the relevant building surveyor for the purpose of making this order, and the name and qualifications of the person or persons who conducted the inspection are—

Time of inspection: **Date of inspection:**

Inspected by:

Name	Qualifications/Job title	RBP number
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[list details of any inspections relied on by the relevant building surveyor]

BUILDING ORDER MADE BY:

Relevant building surveyor:
Name and RBP number

Address:

Contact number: **Email:**

***Municipal district/*Council name:**

Building order number:

Signature:

Date of making:

^ Select as applicable

* Delete if inapplicable

NOTES:

Duration of building order

1. Under section 117 of the *Building Act 1993* (the Act), a building order remains in force, and if amended remains in force as amended, until it is complied with or it is cancelled by the relevant building surveyor or Building Appeals Board.

Amendment or cancellation

2. Under section 116 of the Act, if there is a change in circumstances after the service of a building order, the owner may request the relevant building surveyor to amend or cancel the building order.

Penalty for failure to comply

3. Under section 118(1) of the Act, a person to whom a building order is directed must comply with that order. Penalty: 500 penalty units in the case of a natural person and 2500 penalty units in the case of a body corporate.

Appeal rights

4. Under section 142(2) of the Act, an owner of a building or land may appeal to the Building Appeals Board (BAB) against a decision to make a building order, impose any conditions on a building order, a failure within a reasonable time to amend or cancel a building order, refuse to amend or cancel a building order, or require that a building order is fully complied with. For the purpose of section 146(1)(a) of the Act, the prescribed appeal period under regulation 271 of the Building Regulations 2018 against the making of this building order is **30 days** after the day this building order is served on the person to whom it is directed. In the case of an appeal against the imposition of a condition on this building order, the prescribed period is **30 days** after the order is served on the person to whom it is directed. In the case of an appeal against a refusal to amend or cancel this building order, the prescribed period is **30 days** after the day the owner is notified of the refusal or the day the relevant building surveyor is deemed to have refused to amend or cancel this building order. In the case of an appeal against a requirement that this building order be fully complied with, the prescribed period is **30 days** after the day the owner is notified of the requirement.

Information regarding the appeal process can be obtained by contacting the BAB:

- website: www.buildingappeals.vic.gov.au
- phone: 1300 421 082
- email: registry@buildingappeals.vic.gov.au

Subsequent owners

5. Under section 236(6) of the Act, this order is binding on every subsequent owner of the land.

Owners corporations

6. If this order is to be served on an owner of a lot affected by an owners corporation, the order may be served on the owners corporation and if so served is taken to be served on the owner. An owners corporation on whom an order is served must not fail to provide a copy of the order to each lot owner affected by the order within a reasonable time after receiving the order. Penalty: 60 penalty units.