Form 12

Regulation 182(1)

**Building Act 1993**

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 [*insert full name or describe class of person*]

Of [*insert address for service of owner, occupier or person or class of person*]

\***AND TO:**

Any other person or class of person [*insert full name or describe class of person*]

Of [*insert address for service on person or class of person*]

**FROM:**

\*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.

\*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**.

**LOCATION OF THE \*BUILDING/\*LAND/\*PLACE OF PUBLIC ENTERTAINMENT TO WHICH THIS NOTICE APPLIES:**

Number Street/road City/suburb/town Postcode

Lot/s LP/PS Volume Folio

Crown allotment Section Parish County

Municipal district

**ORDER:**

I, as the relevant building surveyor, order that:

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

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

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

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

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

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

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

\*8. By [*insert time*] on [*insert date*], the owner of the \*building/\*land/ \*place of public entertainment [*insert description and address of building, land or place of public entertainment*] **MUST** carry out the following 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 [*insert time*] on [*insert date*], the owner must cause the \*building/\*land/\*place of public entertainment [*insert description and address of relevant building, land or place*] to be inspected by [*name of specified person*].

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

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

\*12. The \*owner/\*builder must provide the results of the destructive testing to \*the relevant building surveyor or/\* [name and address of other person authorised by the relevant building surveyor to receive the results] within [*specified time*] after the 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/\*circumstances 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 here 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 permit is [*describe work*].

[*state reason(s) for why the building work does not comply with the building permit identified immediately 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 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 a [*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 services, installations 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 entertainmentis 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 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 entertainmentis 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 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:

Name of person/persons:

Qualification(s) of person/persons:

\*Building practitioner registration no. of person/persons:

[*list details of any inspections relied on by the relevant building surveyor*]

**BUILDING ORDER MADE BY:**

**Relevant building surveyor**

Name: [*insert full name*]

Address:

Email:

Building practitioner registration no.:

\*Municipal district/\*council name:

Building order no.:

Signature:

Date of making:

*\* Delete if inapplicable*