

IMPORTANT INFORMATION

Please note there are strict time limits prescribed by the *Building Regulations 2018* by which an appeal application must be filed with the Board.

If an appeal application is filed after the date by which the application must be filed, the Board does not have the power to extend the time in which the application may be filed with the Board, nor does it have jurisdiction to hear and determine the application if the appeal is filed after the date by which the appeal must be filed.

For more information on appeal periods, please refer to the following table. Please note the appeal periods listed below are derived from regulation 271 of the *Building Regulations 2018*.

Section of the <i>Building Act 1993</i>	Matter	Appeal Period days
140	Private building surveyors	Within 30 days after the day the applicant is notified.
144A	<i>Building and Construction Industry Security of Payment Act 2002</i>	Within 30 days after the day the applicant is notified.

Appeal to the Building Appeals Board under section 140 or 144A against a decision of the VBA

1 SITE DETAILS

Address

Street Address:

Suburb:

State:

P/Code:

Municipality

Use of Building

Class/classes of building (Go to: [Building classes - Victorian Building Authority](#))

Is the copy of a recent title search (less than three months) for the allotment attached?

✓

Yes		Note: If the applicant is a company, a Company Extract must also be provided and must be dated less than three months of the date of the application being lodged. Go to: ASIC Connect .
No		You are required to attach a recent (less than three months) title search for the allotment. Go to: LANDATA® .

2 APPLICANT

Name

Company name and ACN (if applicable)

Address

Street Address:

Suburb:

State:

P/Code:

Phone Business hours:

Mobile:

Email:

Building Appeals Board

Who is the applicant in this application?

✓

	The applicant is the owner.
	The applicant is appealing against the VBA under s 144A(1).
	The applicant is appealing against the VBA under s 144A(2).

If you are a representative of the applicant, please complete the Authority to Act form on page 8 of this document. Under section 248(1) of the *Building Act 1993* (the Act), it is an offence for a person to act on behalf of an owner of a building or land for the purpose of making an application unless the person is authorised in writing to do so.

3 MANDATORY SERVICE OF DOCUMENTS

The Act requires that a copy of this application and the attached documents must be served on other parties, namely:

- the decision maker; and
- any other 'party concerned' (this would generally include people with a direct and immediate interest in the outcome of the application).

Please specify which parties have been served with a copy of this application.

	Name	Company/Position Title	How served: Email/post
1		VBA	
2			
3			
4			
5			

If some parties have not been served with a copy of this appeal, please outline why they have not been served.

Name	Company/Position title	Reason for not serving a copy of the appeal on the person

4 RESPONDENT

Name of VBA Delegate

Company name

Address

Street Address: Goods Shed North, 733 Bourke Street, Docklands Vic 3008	
Postal Address: PO Box 536, Melbourne Vic 3001	
Phone Business hours:	Mobile:
Email:	

5 MANDATORY REQUIREMENTS

5A GENERAL REQUIREMENTS

You must supply a written submission which addresses the following:

✓

	The Nature of the proceeding What you are appealing?
	The Grounds for commencing the proceeding What are your reasons for the appeal?
	The Relief Sought What do you want the outcome to be?

Please tick to identify if the information required is included in an attachment and supplied with this appeal application.

5B DOCUMENTS

Attach a copy of the decision under appeal and list its details below:

Date	
From	

5C SECTION OF ACT UNDER APPEAL

Please refer to Part 10 of the *Building Act 1993* (the Act) for the Building Appeals Board's jurisdiction and then tick the section and subsection of the Act under appeal (below).

SECTION 140 - PRIVATE BUILDING SURVEYORS

✓	Section 140 - Subsection	Matter
	140	Private Building Surveyors
	(1)	Against the Authority's failure, within a reasonable time, or refusal to consent to the termination of the building surveyor's appointment.
	(2)	Against the Authority's failure within a reasonable time, or refusal to consent to the proposed appointment of the building surveyor.

SECTION 144A - BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT ACT 2002

✓	Section 144A - Subsection	Matter
	144A	Appeals – <i>Building and Construction Industry Security of Payments Act 2002</i>
Against a decision of the Authority under section 42 of the <i>Building and Construction Industry Security of Payment Act 2002</i> :		
	(1)(a)	to refuse an application by the person for an authority to nominate adjudicators for the purposes of that Act; or
	(1)(b)	to withdraw the person's authority to nominate adjudicators for the purposes of the Act.
Against a decision of the Authority under section 43 of the <i>Building and Construction Industry Security of Payment Act 2002</i> :		
	(2)(a)	to impose a condition on the person's authority to nominate adjudicators for the purposes of that Act; or
	(2)(b)	to vary a condition of the person's authority to nominate adjudicators for the purposes of that Act.

6 FEES/PAYMENT

A separate fee is to be paid for each matter under appeal.

The fees are outlined at [Forms & fees | Building Appeals Board](#).

- Always refer to the current prescribed fee schedule for appeal application costs prior to submitting your application.
- Complete the [Payment Details Form](#).

Please indicate your total fee amount payable for this application

Total Amount

\$

7 HEARING

Please indicate below if you prefer to have your application heard via a written submission or a hearing (in-person or remotely via videoconferencing technology).

✓	
	I would prefer the Board to make its determination based on written submissions.
	I would prefer the Board to make its determination following a hearing (in-person or remotely via videoconferencing technology).

The Board will determine whether it is appropriate to:

- refrain from having a hearing and make its determination based on the written submissions of the parties.

If there is a hearing, you will be given a minimum of seven (7) days' notice of your appeal hearing date. It is expected that you will be ready to proceed on that day. Parties to the appeal may attend and/or be represented at the hearing.

If a person provides information or documentation to the Board, the person must also provide the same information or documentation to all of the other parties to the proceeding.

8 FAST TRACK

If you are seeking a fast track appeal hearing, you must complete the Application for a Fast Track Appeal form, which is available at [Appeal applications | Building Appeals Board](#) and pay the prescribed application fee. Only a party to an appeal proceeding can apply.

9 APPEAL PERIODS

Please tick the appropriate box for the matter you are appealing, please note that the appeal must be made within the specified time period indicated below in accordance with Regulation 1601 of the *Building Regulations 2006*.

✓	Section of Act	Matter	Appeal Period days
	140	Private building surveyors	Within 30 days after the day the applicant is notified.
	144A	<i>Building and Construction Industry Security of Payment Act 2002</i>	Within 30 days after the day the applicant is notified.

10 DECLARATION AND SIGNATURE

I understand that, under section 248(1) of the *Building Act 1993* (the Act), it is an offence for a person to act on behalf of an owner of a building or land for the purpose of making an application unless the person is authorised in writing to do so.

I acknowledge that it is an offence to knowingly make any false or misleading statement or provide any false or misleading information to the Building Appeals Board in relation to an application (s 246 of the Act).

SIGNATURE: _____

DATE: _____

AUTHORITY TO ACT FORM

1 OWNER/S DETAILS

Name

Company Name and ACN (if applicable)

Address

Street Address:	
Suburb:	
State:	P/Code:
Phone Business hours:	Mobile:
Email:	

Name of second owner (if the appeal is also made on behalf of that person)

Company Name and ACN (if applicable)

Address

Street Address:	
Suburb:	
State:	Post Code:
Phone Business hours:	Mobile:
Email:	

2 SITE DETAILS

Address (please note a copy of title search/contract of sale is required to confirm ownership of the land/building)

Street Address:	
Suburb:	
State:	P/Code:

3 SIGNATURE OF OWNER/S

DECLARATION

I confirm I am the owner of the above site and I authorise the following person(s) to act on my behalf:

Name of person or representative: _____

I also acknowledge that it is an offence to knowingly make any false or misleading statement or provide any false or misleading information to the Building Appeals Board in relation to an application (section 246 of the *Building Act 1993*).

SIGNATURE OF FIRST OWNER: _____

PRINT NAME: _____

DATE: _____

SIGNATURE OF SECOND OWNER _____
(If the appeal is also made on behalf of a second person)

PRINT NAME: _____

DATE: _____

APPLICATION CHECKLIST

Use this checklist to ensure all your required documents are submitted. If all the required information is not provided at the time of submission your application may not proceed.

1 SITE DETAILS	<input checked="" type="checkbox"/>
A copy of a recent title search (less than three months) for the allotment is attached.	<input type="checkbox"/>
2 APPLICANT	
If the applicant has appointed another person to act on their behalf, the 'Authority to Act' Form has been completed and signed by the applicant.	<input type="checkbox"/>
3 MANDATORY SERVICE OF DOCUMENTS	
A copy of this application form and supporting material that has been filed with that application has been served on the other parties.	<input type="checkbox"/>
4 RESPONDENT	
The details of the respondent (that is; the decision maker) are accurate.	<input type="checkbox"/>
5 OTHER PARTIES	
The details of the other parties are accurate	<input type="checkbox"/>
6 MANDATORY REQUIREMENTS	
A written submission has been supplied addressing the Nature, Grounds and Relief sought.	<input type="checkbox"/>
A copy of the decision under appeal has been provided.	<input type="checkbox"/>
The appropriate section of the <i>Building Act 1993</i> (the Act) that your appeal relates to has been identified.	<input type="checkbox"/>
Evidence in support of your application has been provided (for example; drawings, photographs, plans or expert reports).	<input type="checkbox"/>
7 FEES/PAYMENT	
Total fee amount payable for this application is identified.	<input type="checkbox"/>
Payment Details Form has been completed and is attached.	<input type="checkbox"/>
8 HEARING DETAILS	
Preference to have your application determined via a written submission or that a hearing is conducted by the Board has been identified.	<input type="checkbox"/>
9 FAST TRACK	
If you are seeking a fast track appeal hearing, the Application for a Fast Track Appeal form is completed with any material in support of that application.	<input type="checkbox"/>
10 APPEAL PERIODS	
The appropriate appeal period has been identified.	<input type="checkbox"/>
11 DECLARATION AND SIGNATURE	
You have acknowledged that it is an offence under s 246 of the Act to knowingly make any false or misleading statement or provide any false or misleading information to the Board in relation to this appeal.	<input type="checkbox"/>