

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

1 SITE DETAILS (if relevant)

Address

Street Address:	
Suburb:	
State:	P/Code:

Municipality

--

Use of Building

--

Class/classes of building

--

Is the copy of current Certificate of Title for the allotment attached?

✓

Yes		
No		Need to attach a copy of current Certificate of Title for the allotment. Go to www.landata.vic.gov.au

2 APPELLANT

Name

--

Company name

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Address

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

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Is the Appellant the Owner of the property?

Under section 248(1) of the *Building Act 1993*, 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.



	The appellant is the owner	
	The appellant is acting on behalf of the owner	Complete and sign the 'Authority to Act' form at the back of this form
	The appellant is neither the owner nor acting on behalf of the owner	Outline the capacity of the appellant and then go to question 3

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 interest in the outcome of the application)

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

No	Name	Company/Position Title	How Served: Email/ post
1		The Victorian Building Authority	
2			
3			

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 details below:

Date	
From	

You will need to submit three copies of the plans if they are larger than A3 in size.

5C SECTION OF ACT UNDER APPEAL

Please refer to Part 10 of the *Building Act 1993* 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		
	(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		
		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 www.buildingappeals.vic.gov.au/how-to-apply/forms-and-fees.

- 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 conducted by the Board.

✓	
	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

The Board will determine whether it is appropriate to:

- refrain from having a hearing and make its determination based on written submissions of 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 fast track application form, which is at www.buildingappeals.vic.gov.au/how-to-apply/appeal-applications and pay the prescribed fee.

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 the Building Act	Matter	Appeal Period days
	140	Private building surveyors	Within 30 days of being served
	144A	<i>Building and Construction Industry Security of Payment Act 2002</i>	Within 30 days of being served

10 DECLARATION AND SIGNATURE

I understand that, under section 248(1) of the *Building Act 1993*, 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 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 this appeal (section 246 of the Act).

SIGNATURE: _____

DATE: _____

AUTHORITY TO ACT FORM

1 OWNER/S DETAILS

Name

Company Name

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

Address

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

2 SITE DETAILS

Address (please note a copy of title /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 agent or legal firm: _____

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 Act).

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 the current Certificate of Title for the allotment is attached	<input type="checkbox"/>
2 APPELLANT	
If the appellant is not the owner, and the appeal is on behalf of the owner, the 'Authority to Act' Form has been completed and signed	<input type="checkbox"/>
3 MANDATORY SERVICE OF DOCUMENTS	
A copy of this application document has been served on other parties	<input type="checkbox"/>
4 RESPONDENT	
The details of the respondent (i.e. 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> that your appeal relates to has been identified	<input type="checkbox"/>
Evidence in support of your application has been provided	<input type="checkbox"/>
7 FEES/PAYMENT	
Total fee amount payable for this application is identified	<input type="checkbox"/>
Payment details form have 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 fast track application form is completed	<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 section 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"/>