

VBA Compliance & Enforcement Report

January – June 2024

Aboriginal Acknowledgement

The VBA respectfully acknowledges the Traditional Owners and custodians of the land and water upon which we rely. We pay our respects to their Elders past and present. We recognise and value the ongoing contribution of Aboriginal peoples and communities to Victorian life.

We embrace the spirit of reconciliation, working towards equality of outcomes and an equal voice.

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About

This report

The Victorian Building Authority (VBA) is responsible for monitoring and enforcing compliance with the *Building Act 1993* (the Act) and associated regulations and guidelines, including the National Construction Code (NCC) and Code of Conduct for Building Surveyors in Victoria. The Act provides for plumbing and building work to be carried out so that it meets minimum standards of safety, health and amenity. It requires people and companies undertaking building and plumbing work to be registered or licensed practitioners. It also provides for various enforcement tools to be used where individuals and companies fail to comply with the requirements of the Act. The VBA's compliance and enforcement decisions are made according to the Compliance and Enforcement Policy.

The VBA's Compliance and Enforcement Report is designed to give industry, practitioners and the community an insight into our activities. To safeguard Victoria's future, the VBA is strengthening its capacity to take firm action when needed to keep Victorians safe and hold practitioners to account. As Victoria's building and plumbing regulator, our starting point is that individuals want to do the right thing. That's why we are enhancing our risk-based regulatory model that will encourage and incentivise good behaviour, while discouraging poor performance. This biannual report focuses on compliance and enforcement activities achieved by the VBA for the second half of the 2023-24 financial year.



Our primary focus is to reduce risk to the Victorian community by prioritising our efforts towards activities that pose a greater threat to their health and safety or which risk economic loss.



Executive summary



Financial penalties issued

\$682,000

Complaints

Received

Building: 914

Plumbing: 866



Closed

Building: 903

Plumbing: 833

Completed investigations

Building: 109 Plumbing: 277



8 cancellation of registration or licence

9 prosecutions

8 suspensions

Executive summary

Compliance and Enforcement activities are the key tool for the VBA to showcase its commitment to acting when serious building and plumbing issues arise. Underpinning our work is a focus on ensuring Victoria's built environment is the safest it can be, so that consumers are protected from building and plumbing practitioners who do the wrong thing.

During the reporting period of January to June 2024, the VBA continued to undertake activities in all Compliance and Enforcement streams.

Of the complaints received, 152 were escalated for investigation or directly for consideration by Practitioner Discipline, with 66 related to building and 86 to plumbing. The most common complaints related to roofing, failure to receive a compliance certificate, frame or structure and water ingress.

The VBA completed 109 building investigations, with 38 cases referred for practitioner discipline and 26 for prosecution. The VBA issued 36 building disciplinary decisions, which resulted in eight registration cancellations and eight suspensions. This demonstrates the VBA's commitment to identifying and disciplining practitioners who do the wrong thing, which protects Victorian consumers from poor building and plumbing practices.

The VBA continues to take an educative approach to the resolution of lower risk plumbing non-compliance and uses the caution process to ensure licensed plumbers understand their certification obligations, while also returning to remediate defective work. The VBA completed 277 plumbing investigations during the reporting period and conducted seven plumbing inquiries due to serious non-compliance with plumbing legislation, with most practitioners receiving a monetary penalty.

The VBA is refining its intelligence-led approach to compliance and enforcement, noting that regulating tens of thousands of building and plumbing practitioners and their activities is a challenge. The use of established and new sources of data and intelligence to identify practitioners of interest enables us to take a risk-based approach to our activities. These profiling activities lead to increased inspections or audits on work performed by those perceived high-risk practitioners, who may pose a disproportionate risk to consumers.

Compliance monitoring programs

The Compliance and Enforcement Report should be read in conjunction with reports on the VBA's compliance monitoring programs:

- Proactive Inspection Program (PIP) (reported quarterly)
- Building Surveyor Audit Program (BSAP) (reported half-yearly)
- Plumbing Audit Program (PAP) (reported monthly).

Proactive Inspection Program (PIP)

The PIP monitors the compliance of building and plumbing work under construction. Selection of work for inspection is risk-based and considers factors such as:

- the type of building
- sites and/or practitioners of interest
- life and safety risks.

The use of a multi-disciplinary team of subject matter experts from across the VBA was recently piloted. This team included building inspectors, plumbing inspectors, building auditors, investigators, building surveyors, and structural and fire safety engineers. The pilot program tested an inspection approach aimed at identifying serious non-compliances at key stages of building on several class 2 building sites, and to ensure those issues were rectified before being transferred to purchasers. The VBA is reviewing the learnings from this work to inform future activities.

Building Documentation Audit Program (BDAP)

The BSAP aims to identify and reduce non-compliant building work in Victoria. The VBA undertakes a desktop review of building permit and occupancy permit documentation to ensure registered building surveyors are carrying out their functions correctly. The BSAP focuses on education where non-compliance is identified, but serious non-compliances are referred for further investigation.

Plumbing Audit Program (PAP)

The PAP is an on-site audit program of plumbing work at selected sites using a risk-based approach based on compliance certificates lodged.

Information gathered via PIP, BSAP and PAP contributes to the VBA's intelligence holdings. The intelligence informs and prioritises the VBA's education activities, supporting practitioners with the knowledge to comply with standards, as well as the VBA's risk-based compliance and enforcement activities, which continuously strengthen industry and consumer outcomes.

Levy Audit Program

The Levy Audit team carries out Building Activity Management System (BAMS) record audits on registered building surveyors to determine their reporting compliance related to:

- Section 18AA of the Act: supplying the correct and complete information to the VBA when applying for a building permit number.
- Regulation 47 of the Building Regulations 2018: supplying the correct and complete prescribed event information to the VBA monthly.

Plumbing



Complaints

The VBA receives complaints relating to contraventions of plumbing legislation. In assessing a complaint, the VBA considers:

- priority for life safety and urgent matters
- registration status of the subject
- status of compliance
- availability of evidence
- previous disciplinary action
- seriousness of non-compliance and the impact
- age of the issue.

The VBA's complaints process aims to assist consumers with the resolution of plumbing complaints through rectification of plumbing work that is not compliant with Australian Standards, and the lodgement of compliance certificates where required. Complaints are prioritised based on risk and will be escalated for investigation if compliance is not achieved through the complaints process. Complaint resolution takes an educative approach to prevent repetition. A poor compliance history will result in increased monitoring by the VBA and investigation of systemic offenders.

Table 1: Plumbing complaints (January – June 2024)

866	Plumbing-related complaints received
833	Complaints closed
661	Complaints resolved or concluded without investigation
86	Complaints escalated to an investigation
53	Warnings (cautions/education letters) issued to plumbing practitioners
33	Complaints referred to Domestic Building Dispute Resolution Victoria (DBDRV)

Table 2: Plumbing complaint comparisons

COMPLAINTS	2022-23	2023-24	JUL – DEC 2023	JAN – JUN 2024
Complaints received	1,746	1,809	943	866
Complaints closed	1,768	1,833	1,000	833
Outcome actions				
Concluded ¹	1,406	1,511	850	661
Referral of a complaint to DBDRV	69	69	36	33
Practitioner cautions (education and warning)	61	127	74	53
Escalated for investigation	232	200	114	86

Most common plumbing work complaints (January – June 2024)

- Failure to receive a compliance certificate
- Roofing
- Storm water drainage
- Sewer/septic plumbing work.

The VBA received 1,809 plumbing complaints in 2023-24, which is close to a four per cent increase on 2022-23 and the same period in the previous year.

Two-thirds of plumbing complaints received by the VBA related to poor workmanship requiring rectification. Complaints about the lack of lodgement of compliance certificates remains high, particularly where consumers are seeking plumbing compliance certificates after building work on their site ceased because of builder insolvency.

Referral of complaints for investigation decreased in 2023-24 (200) by about 14 per cent from 2022-23 (232). To achieve a timelier resolution for consumers, early intervention by a plumbing investigator during the initial complaint stage and engagement with the practitioner to achieve rectification without the necessity for investigation remains a priority. Practitioners are also educated to improve compliance in the future.

Plumbers found to have undertaken non-compliant work are referred to the PAP for increased monitoring. Data collected on the causes of complaints informs our education strategies, including the issuing of email industry alerts to plumbers to help improve plumbing compliance.

Licensed plumbers may be cautioned on resolved complaints to remind them of their self-certification obligations, and to assist with identifying systemic offenders.

¹Concluded means not substantiated/insufficient evidence/resolved/duplicate/referral to another agency.

Investigations

The VBA conducts investigations to determine if there is sufficient evidence to prove that a person has contravened the relevant legislation. Referrals for investigation may be received as an escalated complaint, as an internal referral from VBA teams performing audits, inspections, intelligence analysis or from external agencies, such as other regulatory bodies. Investigations focus on:

- Establishing the facts or otherwise of a complaint, allegation or other information that suggests a non-compliance with relevant legislation.
- Collection of evidence in an objective and unbiased manner, while observing the requirements of legislation at all times.

Investigations are often complex and require the gathering of significant amounts of evidence from multiple sources, which takes time. This can involve conducting interviews, preparing reports and detailed briefs of evidence, participating in court proceedings, and providing advice and information to industry.

The VBA has a range of enforcement actions at its disposal, including warnings, issuing rectification notices, referrals for disciplinary inquiry and referrals for prosecution. These enforcement actions are selected commensurate to the risk or potential breach identified.

The VBA also has the power to issue infringement notices to licensed plumbers for certain breaches outlined in the Act. The Act informs the number of penalty units that may be issued for identified breaches.

Table 3: Plumbing investigations (January – June 2024)

282	Investigations underway
277	Investigations completed
162	Investigations resolved without further enforcement actions e.g. through the rectification of the defective plumbing work or submission of compliance certificates
29	Investigations escalated with a recommendation to commence disciplinary action through a formal plumbing inquiry
72	Cautions issued
4	Investigations recommended for prosecution in the courts

Table 4: Plumbing investigation comparisons

INVESTIGATIONS	2022-23	2023-24	JUL – DEC 2023	JAN – JUN 2024
Investigations underway²	121	282	380 ³	282
Investigations completed	341 ⁴	397	120	277
Outcome actions				
Resolved ⁵	231	205	43 ⁴	162
Caution	45	116	44	72
Referred for inquiry	57	57	28 ⁴	29
Education	N/A	11	1 ⁴	10
Referred for prosecution	8	8	4 ⁴	4
Infringement notices issued ⁶	408	318	151	167

Most common plumbing work investigated (January – June 2024)

- Drains not available for inspection at agreed time
- Non-compliant plumbing work
- Plumbing work being undertaken by unregistered or unlicensed people
- Compliance certificates not being issued.

In 2023-24, the VBA completed 17 per cent more plumbing investigations than in 2022-23 due to a backlog of roofing matters accumulated as a result of a change in access rules.

This resulted in a significantly increased number of cases being completed through cautions, from 45 in 2022-23 to 116 in 2023-24 (160 per cent increase). Referrals for prosecution have remained steady across 2022-23 and 2023-24. The VBA prosecutes and has a zero-tolerance approach to serious non-compliance, and unlicensed and unregistered people carrying out regulated plumbing work.

²The number of plumbing investigations underway is expressed as a rolling figure.

³The number of investigations underway considers those awaiting team leader review to better reflect the overall number of cases currently in progress. The figures reported prior to this period refer only to those currently under investigation.

⁴Figure has been updated since last published report, either due to error correction or later confirmation of actual data.

⁵Resolved outcomes include investigations where a rectification notice was issued.

⁶The number of infringement notices issued is cumulative across audit activity and investigations. This figure includes those withdrawn after being issued.

Prosecutions

The VBA may file charges against a person (licensed/registered practitioner or unlicensed/unregistered person) or body corporate for offences against the Act. A VBA prosecution is a criminal proceeding that is heard in the Magistrates’ Court of Victoria.

Once an investigation has been completed, if serious non-compliance, such as an unlicensed or unregistered person carrying out regulated plumbing work, the VBA considers whether to initiate criminal proceedings.

The VBA will only proceed with a prosecution if there is a reasonable prospect of a conviction and if a prosecution is in the public interest.

Table 5: Plumbing prosecution comparisons (January – June 2024)

PROSECUTIONS	2022-23	2023-24	JUL – DEC 2023	JAN – JUN 2024
Number of plumbing prosecutions completed by VBA	4	4	2	2

Two plumbing prosecutions were completed for this period. Plumbing prosecution matters are actioned in accordance with timeframes determined by the appropriate court. Recent referrals for prosecution continue to be assessed by the VBA.

Table 6: Plumbing prosecutions (Individuals) (January – June 2024)⁷

Accused name	Description of matter	Result	Penalty (\$) ⁸	Date
NOVELLO, Timothy	Carried out regulated plumbing work without appropriate licence or registration.	Dismissed	-	06/02/2024
TALEB, Hilal	Carried out regulated plumbing work without appropriate licence or registration. Held out to be a licensed plumber to carry out plumbing work.	Proven with conviction. Fine of \$1,000	\$1,000	13/11/2023

⁷This list does not include prosecutions commenced by the VBA which were subsequently withdrawn.
⁸Excludes costs.

Plumbing inquiries

Plumbing inquiries are disciplinary proceedings into the conduct of plumbing practitioners commenced by the VBA and heard before a VBA delegate. Plumbing inquiries have been held online since 2020-21.

Following a plumbing investigation, if serious non-compliance with plumbing legislation has been identified, such as carrying out plumbing work outside the class of licence/registration held or providing false/misleading information on a compliance certificate, a recommendation may be made to proceed with a disciplinary inquiry.

When considering the outcome and associated penalties of the inquiry, the VBA delegate will consider:

- The severity of the plumber's actions
- The cost of any damage arising from the plumber's actions
- Prior offences
- Level of cooperation with the inquiry process
- Gaps in knowledge/experience that indicate further training may be required.

The delegate also considers the practitioner's personal circumstances and what is appropriate to deter both the individual practitioner and the industry more broadly.

Once a decision is finalised, the practitioner is advised of the disciplinary outcome, which may include a reprimand, a monetary penalty, further training in a particular class of plumbing, and/or suspension or cancellation of a plumbing licence or registration for up to three years.

Table 7 – Plumbing inquiry outcome comparisons

PLUMBING INQUIRY OUTCOMES ⁹	2022-23	2023-24	JUL – DEC 2023	JAN – JUN 2024
Number of inquiries held	30	15	8	7
Reprimands issued to practitioners	5	7	4	3
Training required	8	4	2	2
Financial penalties imposed	27	11	5	6
Suspension of licence	1	1	1	0
Suspended suspension of licence ¹⁰	1	0	0	0
Cancellations of licence	1	2	1	1
Disqualification	1	1	0	1
Compliance certificate audits	1	0	0	0

⁹Inquiry outcomes include more than one sanction e.g. reprimand and monetary penalty imposed.

¹⁰The seriousness of some offending may indicate suspension of licence would be an appropriate disciplinary action, however the VBA delegate has the discretion to suspend the suspension of a licence by applying certain caveats, thus creating an outcome similar to a good behaviour bond.

The VBA completed half as many plumbing inquiries in 2023-24, compared to 2022-23. This was due to a combination of factors, including a focus on more serious cases of non-compliance. All but one plumbing inquiry outcome in the second half of 2023-24 included a monetary penalty being imposed and the number of suspensions, cancellations and disqualifications across the 2023-24 period is consistent with, or higher than, the previous 12-month period. These outcomes act as a significant deterrent to future offending.

Table 8 – Plumbing inquiries (Individuals) (January – June 2024)

Accused name	Description of matter	Result	Penalty (\$) ¹¹	Date
DUNN, Garry LP23536	Carried out below ground sanitary work and did not notify the Authority when drains were ready for inspection. Failed to provide and lodge the compliance certificate within five days. Carried out plumbing work that did not comply with the regulations.	Five grounds proven. Reprimand and penalty of \$6,343, plus costs of \$1,037.	\$6,343	12/02/2024
WATSON, Terry LP114196	Signed multiple compliance certificates which declared that the works complied in all respects with the relevant plumbing laws when in fact they did not. Signed a compliance certificate for mechanical services work when the practitioner was not licensed to certify that class of work. Permitted another person to carry out work on his behalf that was defective in workmanship.	Three grounds proven. Reprimand and penalty of \$1,652 (suspended unless the practitioner has future finding of guilt), plus costs of \$1,037.	\$1,652	12/02/2024
SHAO, Qi Tao (Tony) RP119932	Carried out plumbing work in a class in which he was not licensed or registered. As a person who owns and man-ages a plumbing business, he allowed persons to carry out plumbing work on behalf of that business when they were not authorised by the Authority to do so.	Seven grounds proven. Penalty of \$16,522, cancellation of registration and disqualification from being licensed for three years. Costs of \$1,504. VBA's decision stayed. Subject to review by Victorian Civil and Administrative Tribunal (VCAT).	\$16,522	18/04/2024

Accused name	Description of matter	Result	Penalty (\$) ¹¹	Date
DE WIT, Cary LP118662	Participated in the management of a business which permitted its employees to carry out plumbing work that they were unauthorised to do by the Authority. Undertook plumbing work which required a compliance certificate whilst he was unlicensed and without the supervision of a licensed plumber. Provided a compliance certificate containing a misstatement of fact.	Ten grounds proven. Penalty of \$4,132 and complete training course <i>Access and Interpret Regulatory Requirements for Plumbing and Services Industry</i> within 12 months. Costs of \$1,504.	\$4,132	30/04/2024
DANKHA, Ankido LP108327	Carried out plumbing work, including drainage, sanitary and water supply works which were defective in workmanship. Compliance certificate was not provided within five days of completion of the works and it contained a misstatement of fact. Failed to have the sanitary drain ready for inspection and did not provide updated sewer plan to relevant the Water	Five grounds proven. Penalty of \$7,500 and complete training course <i>Access and Interpret Regulatory Requirements for Plumbing and Services Industry</i> within 12 months. Costs of \$1,037.	\$7,500	29/05/2024
Downey, Michael LP116660	Failed to adhere to a rectification notice. Carried out or permitted another person to carry out work that was defective in workmanship. Signed a compliance certificate containing a misstatement of fact. Fail to lodge a compliance certificate within five days of the work being completed.	Six grounds proven. Penalty of \$826 plus costs or \$1,037.	\$826	13/06/2024
KHOURY, Youssef LP108352	Failed to notify the Authority of a time and date at which below ground sanitary drains would be ready for inspection. Failed to provide a compliance certificate within five days of receiving a notice of termination.	Two grounds proven. Reprimand and complete training course <i>Access and Interpret Regulatory Requirements for Plumbing and Services Industry</i> within 12 months plus costs of \$1,037.	-	19/06/2024

Note that the VBA can only publish inquiry outcomes where the delegate has made a publication order.

¹¹Monetary penalties have been rounded to the nearest dollar.

Plumbing enforcement case studies

Plumbing practitioner penalised more than \$6,000 for non-compliant drainage work

Mr Garry Dunn was engaged to carry out plumbing work for an ensuite bathroom renovation at a site in Gordon. The VBA received a complaint from the owners in relation to the sewer and water drainage work, which ultimately had to be dug up and redone.

Both the new plumber and the VBA confirmed three defective items of concern contrary to Victorian plumbing legislation and Australian standards:

- The drainpipes were less than the 65mm
- The connection to a graded drain with a junction had an upstream angle of more than 45 degrees
- There was a failure to clean and degrease PVC sanitary waste pipes with specified fluids prior to using solvent cement.

Upon investigation, the VBA also identified that there were no drain inspection bookings in relation to the two separate below ground drain constructions and the practitioner had failed to provide a compliance certificate for the works done within the required timeframe.

At inquiry on 12 February 2024, the delegate found five grounds for discipline proven and reprimanded and fined Mr Dunn \$6,343 plus costs of \$1,037. The delegate had regard to the practitioner's lack of priors and unblemished career, however was concerned the owners had been required to have the plumbing works redone at their own cost.

Plumber found to have connected sewer fixtures to storm water drain

A plumbing practitioner carried out plumbing work, including drainage, sanitary and water supply works, which were defective in workmanship at a site in North Warrandyte. He did not provide a compliance certificate to the person for whom the work was carried out within five days of completion. When the compliance certificate was later lodged with the Authority, it contained a misstatement of fact. The practitioner, Ankido Danka of Drip Doctors, also failed to have the sanitary drain ready for inspection and did not provide the updated sewer plan to the relevant Water Authority.

At Inquiry, the delegate was very concerned about the error with the toilet connection, which had inadvertently allowed raw sewage to enter a stormwater pit, and the associated potential serious health risks. Despite this being a first offence, the delegate imposed a mid-range fine. Disciplinary action taken:

- (a) Penalty of \$7,500 imposed
- (b) Inquiry costs to be paid in the sum of \$1,036.50
- (c) Practitioner to undertake and successfully complete the training course 'Access and Interpret Regulatory Requirements for Plumbing and Services Industry - Course Reference CPCPCM4015'. Failure to complete the course within 12 months would result in the practitioner's licence being suspended for 12 months.

Building



Complaints

The VBA receives complaints relating to contraventions of building legislation. In assessing complaints received, we are concerned with:

- Non-compliant building work:
 - Building work that is not in accordance with the building permit or the legislation.
 - A building permit that is not in accordance with the relevant legislation.
- The professional conduct of building practitioners.
- Unregistered persons carrying out building work.

The complaints management process may involve:

- An assessment of the evidence to substantiate non-compliant building work. This includes a technical assessment, if required.
- Identifying any actions required by the relevant building surveyor or municipal building surveyor to bring work into compliance.
- An assessment of the conduct of the relevant building practitioners/persons and, depending on the severity of the matter and the history of the practitioner, a decision to:
 - Issue an education letter (which may also include a caution)
 - Issue an education letter that places the subject 'on notice' of a pending investigation if conduct is repeated
 - Issue a caution
 - Obtain an enforceable undertaking
 - Escalate a complaint for an investigation
 - Refer a subject for practitioner discipline
 - Refer the complainant to DBDRV or another agency when the issues are outside of the VBA's jurisdiction

Table 9 – Building complaints (January – June 2024)

914	Complaints received
903	Complaints closed
472	Complaints concluded via liaising with the complainant and/or practitioner
211	Complaints referred to DBDRV ¹²
154	Education letters and warnings issued to building practitioners
66	Complaints escalated to an investigation or directly to Practitioner Discipline for consideration, due to the severity of potential contraventions

Table 10 – Building complaints comparisons

COMPLAINTS	2022-23	2023-24	JUL – DEC 2023	JAN – JUN 2024
Number of complaints received	1,791	1,773	859	914
Number of complaints closed	1,914	1,667	764	903
Outcome actions				
Concluded ¹³	993	878	406	472
Referral of a complaint to DBDRV as the primary outcome to their complaint	459	393	182	211
Practitioner warnings (education, caution, on notice)	311	285	131 ¹⁴	154
Escalated for investigation/practitioner discipline	151	131	65	66

¹²Complaints about building defects or contract issues incorrectly lodged with the VBA. This figure reflects the number of cases where the primary outcome recorded was referral to DBDRV, although many more complainants are referred to DBDRV for assistance with a dispute.

¹³Concluded includes not substantiated/insufficient evidence/resolved/referral to another agency.

¹⁴Figure has been updated since last published report, either due to error correction or later confirmation of actual data.

The number of building complaints received from January to June 2024 increased by around five per cent from the previous reporting period. However, the number of building complaints received in 2023-24 slightly decreased from 2022-23. The number of complaints escalated for investigation/discipline in the second half of 2023-24 decreased by 22 per cent compared to the corresponding period in 2022-23, although was consistent with the previous six months. The number of escalated cases for 2023-24 also showed a decrease of 13 per cent year-on-year, due to a greater emphasis being placed on early education and warnings to prevent repeat conduct. Serious matters and repeat conduct are referred for investigation or directly for consideration of practitioner discipline.

Practitioners found to have undertaken non-compliant work are referred to the PIP or PAP for increased monitoring through scheduled inspections or audits. Data collected on the causes of complaints informs our education strategies and includes industry alerts issued to practitioners to help improve building work compliance.

Building complaints received by the VBA frequently involve multiple issues. Approximately 61 per cent of building complaints received in 2023-24 pertained to compliance issues and building defects. The most frequent compliance issues related to frame or structure, water ingress and roofing. About 20 per cent of complaints were regarding building work at adjoining properties and 15 per cent related to unregistered building work.



Statutory referrals

The Act requires relevant building surveyors (RBS) to notify the VBA of specific offences by the builder listed on the permit:

- **Section 33:** Failing to call for a mandatory inspection set out in the building permit or failing to stop work at completion of a mandatory notification stage if directed to do so by the RBS. When a section 33 notification is received, the VBA considers the severity and the relevant history of the building practitioner in question. The VBA may issue a caution to the building practitioner or refer the notification for consideration of practitioner discipline.
- **Section 37:** Failing to comply with a written Direction to Fix (DTF) in the timeframe provided to do so. When a DTF notification is received and is enforceable, the notification is escalated for practitioner discipline. If it is not enforceable, an education letter is sent to the RBS, explaining the cause of unenforceability so the RBS can consider the appropriate action to achieve compliance.

The Act also requires RBS to refer a building order (BO) to the VBA for enforcement if the property owner has failed to comply in the timeframe provided.

When a referred BO is received and is enforceable, the VBA will engage with the property owner to advise of potential investigation and provide an opportunity to achieve compliance to the satisfaction of the RBS, without progressing further. If compliance is still not achieved, the matter is escalated for investigation.

Table 11 – Statutory referrals (January – June 2024)

147	Statutory referrals received
187	Statutory referrals closed

Table 12 – Statutory referrals comparisons

STATUTORY REFERRALS	2022-23	2023-24	JUL – DEC 2023	JAN – JUN 2024
Statutory referrals received	345	290	143	147
Building order	140	138	57	81
Directions to Fix (s37)	61	43	32	11
Missed mandatory inspection (s33)	144	109	54	55
Statutory referrals closed	331	290	103	187

Table 12 – Statutory referrals comparisons (continued)

STATUTORY REFERRALS	2022-23	2023-24	JUL – DEC 2023	JAN – JUN 2024
Building order				
Escalated to Investigations	61	37	8	29
Resolved by warning	16	9	0	9
Unenforceable instrument	44	56	21	35
Withdrawn/insufficient information	17	28	7	21
Directions to Fix (s37)				
Escalated to Practitioner Disciplinary Unit (PDU)	21	13	9	4
Unenforceable instrument	27	38	23	15
Resolved by caution	2	1	0	1
Withdrawn/insufficient information	3	0	0	0
Missed mandatory inspection (s33)				
Escalated to PDU	58	69	22	47
Resolved by caution	60	24	7	17
Withdrawn/insufficient information/unsubstantiated	22	15	6	9

NR – not recorded.

The number of statutory referrals received in the second half of 2023-24 was comparable to the first half of the year. The total number of statutory referrals received in 2023-24 (290) decreased by 16 per cent compared to 2022-23 (345). This reflected a decrease in the number of section 33 and section 37 referrals received, while the number of building orders remained steady. The volumes and types of statutory referrals are variable and depend on what is received from building surveyors.

In this reporting period, building orders resolved through a direct warning to property owners fell compared to the same period last year. There was an increase in referrals for investigation in this reporting period compared to the previous one, however the total number referred for investigation since 2022-23 decreased (61 down to 37). There were 17 cautions issued to building practitioners for failing to call for a mandatory inspection. There were also 50 section 33 and section 37 matters referred directly to PDU for action, and one owner builder was referred for investigation.

The unenforceability of building orders and DTFs remain an issue the VBA is committed to resolving through collaboration with building surveyors. To enable a confident and thriving industry, the VBA is continually exploring opportunities to create more effective oversight of the system and to strengthen the building surveying profession.

This includes sending educational letters to building surveyors when the VBA receives unenforceable instruments. These letters detail why the instrument is unenforceable and what to do next, including the option to speak with a VBA Senior Technical Advisor.

Terminations

Section 81(1) of the Act refers to termination of a private building surveyor's (PBS) function and s81(2)-(4) refers to termination of a building project (cancellation of building work).

The Act provides that the appointment of a PBS cannot be terminated without the consent of the VBA. This is because when implementing building standards, a building surveyor may need to make difficult decisions that conflict with the wishes of a builder or owner. The Act ensures that legal requirements cannot be avoided and consent is provided in limited circumstances, in accordance with the Act. VBA consent is also required where a building surveyor is no longer able to carry out their function, to ensure there is an appointed building surveyor for the continuity of building work on any open building permits. The VBA does not terminate the appointment of private building surveyors, but provides written consent to the applicant to end an appointment.

Table 13 – Terminations (January – June 2024)

186	Termination applications received
185	Termination applications closed
60	Granted consent
11	Consent to terminate requests declined
52	Applications incomplete, withdrawn or incorrect
62	Related to cancelled building work

**Table 14 – Section 81 requests or notifications**

TERMINATIONS under section 81 of the Act	2022-23	2023-24	JUL – DEC 2023	JAN – JUN 2024
Number of section 81 requests or notifications received	509	395	209	186
Number of section 81 requests or notifications closed	506	404	219	185
Consent granted	166	143	83	60
Incomplete, withdrawn or incorrect	134	105	53	52
Consent declined	13	18	7	11
Cancellation of building work	193	138	76	62

All application outcomes have been reported, including those that were incomplete, withdrawn or incorrect. Multiple appointments are no longer reported separately and have been included in the consent granted numbers.

The total number of requests for consent to terminate the appointment of a building surveyor in 2023-24 decreased by 22 per cent compared to 2022-23. Applications for consent have reduced marginally from the same period a year ago and by 11 per cent since the first half of 2023-24.

Cancellation of building work notifications have reduced from 76 to 62 compared to the previous reporting period and 28 per cent overall since 2022-23.

Levy audit

The Levy Audit team carries out BAMS record audits on registered building surveyors to determine their reporting compliance related to:

- **Section 18AA of the Act:** supplying the correct and complete information to the VBA when applying for a building permit number.
- **Regulation 47 of the Building Regulations 2018:** supplying the correct and complete prescribed event information to the VBA monthly.

The VBA completed 20 audits in 2023-24, compared to 11 in the previous year. This year, VBA teams collaborated to focus on Regulation 47 compliance, which uncovered \$363,600 in unpaid levies.

This work enabled the VBA to identify common causes of non-compliance with Regulation 47. As part of VBA's effort to educate and assist building surveyors to comply with Regulation 47, these causes of non-compliance causes were published on the VBA website.

For building work where the appointed private building surveyor is terminated (cancelled) before commencement or completion, the owner of the land on which the building work was or was to be carried out on must notify the Authority and the relevant council. Under these circumstances the appointment of the building surveyor is taken to be terminated.



Transfer of functions

A PBS may transfer their functions to another PBS or a municipal building surveyor (MBS) permanently or for a fixed period under the Act. A PBS may wish to transfer their functions for reasons such as taking extended leave, relocating their business, ill health, retirement or by agreement with their client(s).

The PBS does not require the VBA’s consent to transfer functions but are required under the Act to notify both the VBA and the relevant council that the transfer of functions has taken place for it to take effect.

Each notification is dependent on the personal circumstances of the individual PBS performing the transfer. In some instances, this may only relate to one or two individual building surveyor appointments, but in other instances transfers may relate to hundreds (referred to as a ‘bulk transfer’) due to a specific event, such as a PBS retiring.

Table 15 – Transfer of functions comparisons

TRANSFER OF FUNCTIONS	2022-23	2023-24	JUL – DEC 2023	JAN – JUN 2024
Number of notifications of transfer of function	1,373	5,541	5,070	471

During 2023-24, transfer of functions notifications were received for 5,541 building surveyor appointments, of which 5,049 had a building permit in place. The most common reported reasons for transfer related to service, client preference and building surveyors leaving their lodging organisations (an organisation employing several building surveyors).

The number of transfer of functions notification was four times greater than what was received in 2022-23, including a high number of bulk transfers resulting from several building surveyors and lodging organisations ceasing operations. The significant increase in transfers in the first half of 2023-2024 can be attributed to one large bulk transfer of more than 4,000 appointments in September 2023.

Investigations

The VBA conducts investigations to determine whether there is sufficient evidence to prove that a person has committed a breach of building legislation. Investigations focus on:

- Establishing the accuracy or otherwise of a complaint, allegation or other information that suggests a breach of relevant legislation.
- Investigating in an objective and unbiased manner, while always observing the requirements of legislation.

We identify contraventions of legislation, regulations and professional standards. Investigation can involve conducting interviews, preparing reports and detailed briefs of evidence, participating in court proceedings, and providing advice and information to industry.

Table 16 – Building investigations (January – June 2024)

146	Investigations underway
109	Investigations completed
38	Investigations referred to PDU
28	Investigations resolved without further enforcement actions
17	Practitioners received a caution
26	Investigations referred for prosecution
0	Practitioners received an education letter

Table 17 – Building investigations comparisons

INVESTIGATIONS	2022-23	2023-24	JUL – DEC 2023	JAN – JUN 2024
Number of investigations underway ¹⁵	110	146	147 ¹⁶	146
Number of investigations completed	212	208	99 ¹⁷	109
Outcome actions				
Referred for practitioner discipline	60	66	28 ¹⁷	38
Resolved without further enforcement action	58	52	24	28
Caution	52	47	30	17
Referred for prosecution/legal service opinion for prosecution	35	42	16	26
On-notice	1	0	0	0
Education letter	3	1	1	0
Undertaking	1	0	0	0

Most common building work investigated (January – June 2024)

- Building without a permit, with no oversight and the required mandatory inspections
- Building work undertaken without the required insurance, no consumer protection
- Unregistered people undertaking building work without any permit, oversight or insurance, leading to defective / poor quality building work.

The VBA uses a risk-based triage process to help make informed decisions about how to apply our investigative resources most effectively. This approach allows the VBA to regulate more effectively and prioritise serious non-compliance, while handling some issues through low-level enforcement actions, such as issuing cautions and providing education to practitioners.

¹⁵The number of building investigations underway is expressed as a rolling figure.

¹⁶The number of investigations underway now considers those awaiting team leader review to better reflect the overall number of cases currently in progress. The figures reported prior to this period refer only to those under investigation at the time.

¹⁷Figure has been updated since last published report, due to later confirmation of actual data.

The number of investigations completed from January to June 2024 (109) was consistent with the same period in 2022-23 (110). The number of building investigations completed in 2023-24 (208) was also consistent with the previous year (212), following a spike in cases completed in 2021-22 (362), where significant effort was put into addressing backlogs built up during the pandemic. During the last two years, the VBA made changes in its end-to-end management of complaint cases, where the triage process ensures only more serious non-compliances are being referred for investigation. We have additionally seen a corresponding decrease in matters resolved without any further enforcement action. This approach forms part of the VBA's Trusted Regulator Program, where we take proportionate regulatory action depending on the seriousness of the risk or harm.

There were 17 cautions issued by the PDU in the reporting period, compared to 40 in the corresponding period last year. The yearly total remained stable across 2022-23 and 2023-24.

There were 38 building investigations referred for practitioner discipline and 26 matters referred for prosecution in this reporting period. Prosecution and disciplinary action are used for more serious contraventions of the Act, including unregistered persons undertaking building work without permits and insurance. Our focus on more serious matters is reflected by an increase in investigations recommended for practitioner discipline (10 per cent) and prosecution (18 per cent) in 2023-24.



Building enforcement case studies

Building company fined \$250,000 for providing false insurance certificates

The VBA penalised Aycon Constructions & Building Services Pty Ltd (Aycon) and its nominee director Mr Seyit Ayranci a record \$250,000 each. This penalty comes after Mr Ayranci and Aycon were immediately suspended in May 2024 for carrying out domestic building work without the required insurance across multiple building sites.

An intelligence-led proactive VBA investigation found more than 150 building permit applications were supported by a false certificate of domestic building insurance (DBI) and that building work had taken place without the required insurance being in place. By law, DBI must be taken out on any domestic building work valued at more than \$16,000. The investigation sampled 10 of those sites, where the building permits were applied for between 30 March 2022 and 17 April 2023, to confirm the breaches.

The formal grounds for disciplinary action were, for each site, providing false documents, failing to have appropriate insurance for the building work and unprofessional conduct. In June 2024, the VBA applied disciplinary action, which included the cancellation of both Mr Ayranci's and Aycon's registrations and disqualification of both for three years (the statutory maximum period), on the grounds that he/it was not a fit and proper person and that he/it had engaged in unprofessional conduct.

The VBA is actively working with government partners to support affected customers of Aycon.

Building surveyor cancelled for approving accommodation building without all fire safety elements

Mr Onoya Ndjeka was the relevant building surveyor for the change of use of part of an existing restaurant building in St Kilda to backpackers' accommodation. Following a VBA investigation, it was found that he had issued a building permit when he could not have been satisfied that the permit and the proposed building work would comply with the building regulations.

Mr Ndjeka went on to issue an occupancy permit when the building was unsuitable and unsafe for occupation, due to the absence of some important fire safety measures. He then lodged a misleading document with the relevant council, namely a substantially different version of the occupancy permit to that issued to the owner for display on site. The relevant council wrote to Mr Ndjeka about the serious life-safety issues with the property but he failed to respond or take any action, which was a breach of the Building Surveyor Code of Conduct.

The Authority determined that the practitioner was not a fit and proper person and cancelled his registration as a building surveyor (with an interim partial suspension period to enable the transfer of all existing appointments). It also determined to cancel his registration as a building inspector and to disqualify him from eligibility to obtain registration in either class for three years. The practitioner additionally received penalties capped at \$25,000 and a reprimand.

These sanctions are subject to VCAT review.

Building practitioner discipline

The VBA takes disciplinary action in relation to investigated complaints, reported non-compliance with mandatory requirements of the building regulatory scheme (statutory referrals) and matters identified by the PIP. The main statutory referrals are non-compliances with DTF, breaches of DBDRV orders, missed mandatory inspections and external administration matters affecting the registration status of the practitioner.

The building practitioner discipline process commences when a show cause notice is issued to a building practitioner. The show cause notice provides procedural fairness to practitioners and affords them the opportunity to respond in writing or orally (by video conference since March 2020). Following this response, a decision to take disciplinary action can be appealed at internal review and/or VCAT.

The number of show cause notices issued is a key reporting indicator for activity in this area. What is also important is the proportion of show cause notices that are directed to combatting contraventions of the legislation which cause the greatest harm to consumers and the built environment.

Table 18 – Building practitioner discipline comparisons

BUILDING PRACTITIONER DISCIPLINE	2022-23	2023-24	JUL – DEC 2023	JAN – JUN 2024
Number of referrals received	307	302	132	170
Investigations	82	82	32	50
Direct from complaints and statutory referrals (including DBDRV matters)	123	131	55	76
Processing services (registration matters)	102	89	45	44
Number of show cause notices issued	125	105	73	32
Decisions issued¹⁸	109	84	49	35
Reprimands issued to practitioners	73	56	33	23
Cancellation of registration	18	14	7	7
Suspensions of registration	16	21	13	8
Conditions placed on registration	7	5	4 ¹⁹	1
Disqualifications	0	6	2	4
Training required	17	5	4	1
Enforceable undertakings	1	0	0	0
Monetary penalties imposed	57	54	32	22
Caution after show cause	1	3	1 ¹⁹	2
No further action	11	9	4 ¹⁹	5
Resolved without further enforcement action	69	125	73 ¹⁹	52
Caution	82	222	158 ¹⁹	64

¹⁸Decisions often include more than one sanction e.g. reprimand plus monetary penalty. The number of decisions reflects the outcomes where disciplinary action was taken (shown in the tables below) as well as formal decisions that resulted in no further action.

¹⁹Figure has been updated since last published report, due to error or later confirmation of actual data.

The reporting period presented a level of referral consistent with matters now typically escalated for investigation under current triage protocols. This reflects the impact of early-stage risk-based identification of matters suitable for issue of a caution prior to a full investigation. The significant increase in the number of cautions issued by the PDU and matters closed without further enforcement action in 2023-24 reflects allocation of resources to triaging backlog matters which, on a risk-based assessment, do not warrant a show cause notice.

The reprimand remains the most common form of disciplinary action taken by the VBA and is usually issued in conjunction with a monetary penalty or a requirement to undertake training. Monetary penalties match the nature of contraventions balanced with practitioners' circumstances. Penalties ranged from \$2,000 to \$4,000 for missed inspections and from tens to hundreds of thousands of dollars for very serious misconduct. The VBA disqualified six practitioners in 2023-24, a notable increase from the previous year.

Whenever practice failings are associated with genuine gaps in knowledge or expertise, training is required. The PDU monitors compliance with training obligations and, where necessary, follows up with show cause notices proposing suspension of registration until the required training is completed. These measures have been effective.

Practitioners who are non-compliant with a DTF building work or are in breach of a DBDRV dispute resolution order are suspended until compliance is achieved.

Cancellation and disqualification are reserved for the most serious conduct matters, where the VBA forms the view that the protective purpose of the building regulation scheme requires the removal of the practitioner from practice.

The VBA is committed to equipping everyone who interacts with the building system with the knowledge and pathways they need to get the best outcomes. To keep Victorians safe and hold practitioners to account, our starting point is that individuals want to do the right thing.

As a trusted regulator, we do this through proportional regulatory responses and providing authoritative guidance and advice to inform consumers and help practitioners comply.

Table 19 – Building practitioner discipline outcomes (Individuals) (January – June 2024)

Practitioner Name	Registration Number	Conduct	Result	Penalty (\$) ²⁰	Date ²¹
BISCHOFF, John	DB-U 18115 CB-L 40057	Holding office in a company under external administration.	Registration condition for two years to disclose external administration and provide such particulars upon request.	-	12/01/2024
TROON, Steven	CB-U 3354	Failing to notify a mandatory stage inspection, in relation to a site in Bairnsdale.	Reprimand and penalty of \$6,000.	\$6,000	25/01/2024
NI, Mao	CB-L 43972	Failing to notify a mandatory stage inspection, in relation to a site in Melbourne.	Reprimand and a penalty of \$3,000.	\$3,000	06/02/2024
HOLDING, Matthew	BD-L 33297	Failing to notify a mandatory stage inspection, in relation to a site in Essendon North.	Reprimand and a penalty of \$1,000.	\$1,000	28/02/2024
MADDEN, Ronald	CB-U 3252	Undertaking building work comprising the: - conversion/renovation of an allied health centre in Melton - renovation/construction of a motel in Kyneton when no building permits had been issued.	Two reprimands: requirement for training, in addition to a partial suspension of registration for four months (no new permits).	-	07/03/2024
PEARSON, Randall Subject to VCAT review.	CB-L 37753 DB-U 29152	Engaging in unprofessional conduct by participating in licence lending, providing false and misleading materials to building surveyors, producing/procuring fraudulent/false and misleading documents and breaching disclosure requirements to his domestic building warranty insurer (including as to commencement of criminal and civil proceedings). Not a fit and proper person.	Reprimands, cancellation of registrations and disqualified for three years from obtaining registration in any category and class and from being a nominee director.	-	19/03/2024

Practitioner Name	Registration Number	Conduct	Result	Penalty (\$) ²⁰	Date ²¹
NDJEKA, Onoya Subject to VCAT review.	BS-L 34559 IN-U 20756	Acting negligently by having issued a building permit for change of use of a restaurant building to accommodation when they could not have been satisfied the building permit and work would comply with building legislation, approved a final inspection when the building work was non-compliant, issued an occupancy permit when the building was unsuitable and unsafe, failed to lodge building and occupancy permit documents with council within time, lodged a misleading document with council and failed to comply with Building Surveyor's Code of Conduct by failing to respond or act when serious life-safety issues were identified. Not a fit and proper person.	Cancellation of registrations (with interim partial suspension for Building Surveyor Limited registration to enable transfer of existing appointments) and disqualified from obtaining registration in either class for three years. Penalty (capped) of \$25,000 and a reprimand.	\$25,000	29/03/2024
LOUPASAKIS, Emmanuel	DB-U 31556	Holding office in a company which is under external administration.	Registration cancelled	-	05/04/2024
JAMES, Michael	DB-U 72010	Holding office in a company which is under external administration.	Registration cancelled	-	05/04/2024
ZAMMIT, David	DB-U 40416	Holding office in a company which is under external administration.	Registration cancelled	-	05/04/2024

Practitioner Name	Registration Number	Conduct	Result	Penalty (\$) ²⁰	Date ²¹
SEARLE, Todd	DB-U 60627	Holding office in a company under external administration. Engaging in unprofessional conduct as nominee director by allowing the company to take deposits without domestic building insurance. Failing to ensure the company performed work in a competent manner and to a professional standard by allowing company to contravene terms of major domestic building contract in taking money from owners prior to insurance being obtained.	Reprimand, penalty of \$5,000, cancellation of registration and dis-qualified from obtaining registration in any class within the category of builder for 18 months.	\$5,000	15/04/2024
AYRANCI, Seyit Ali	DB-U 40962	Nominee director of corporate practitioner (Aycon) – allowing the company to produce false documents to building surveyors and build without required domestic building insurance. Unprofessional conduct, not fit and proper person (Based on sample of 10 sites).	31 reprimands, aggregate penalties (capped) of \$250,000, cancellation of registration and disqualified for three years from obtaining registration.	\$250,000	06/06/2024

²⁰Some penalties were originally fixed by reference to penalty units. In those cases, the penalties are rounded to the nearest whole dollar.

²¹ The date of decision show is the date the decision was made by the VBA's primary delegate or, where the practitioner sought review, the date of any subsequent decision by the VBA's internal reviewer or VCAT. This table does not disclose matters where disciplinary action is stayed pending internal review or the outcome was to take no disciplinary action, and so the matters disclosed here do not necessarily correspond with the table 18.

Table 20 – Building practitioner discipline outcomes (Companies) (January – June 2024)

Practitioner Name	Registration Number	Conduct	Result	Penalty (\$) ²⁰	Date ²¹
Bluesky Building & Construction Group Pty Ltd Subject to VCAT review.	CCB-L 57862 CCB-U 57861 CDB-U 54119	Being given a breach of dispute resolution order notice, in relation to a site in West Footscray.	Reprimand, penalty of \$4,000 and partial suspension of registration (only building work required to be carried out by building order, DTF, notice or VCAT order) until the notice is cancelled (maximum three years).	\$4,000	08/01/2024
Como Homes Pty Ltd	CDB-U 49257	Being given a breach of dispute resolution order notice, in relation to a site in Mount Eliza.	Reprimand, penalty of \$4,000 and partial suspension of registration (only building work required to be carried out by building order, DTF, notice or VCAT order) until the notice is cancelled (maximum three years).	\$4,000	08/02/2024
S.J Higgins Pty Ltd	CCB-U 58898 CDB-U 57967	Failing to notify a mandatory stage inspection in relation to a site in Balwyn.	Reprimand and penalty of \$14,000.	\$14,000	18/01/2024
Watkins Building Group Pty Ltd	CDB-U 61757	Failing to comply with a written DTF building work within the period specified in relation to a site in Mount Cottrell.	Reprimand, penalty of \$10,000 and partial suspension of registration until DTF complied with or revoked (Authority subsequently notified DTF satisfied).	\$10,000	18/01/2024

Practitioner name	Registration Number	Conduct	Result	Penalty (\$) ²⁰	Date ²¹
Australasian Home Developments Pty Ltd Subject to VCAT review.	CCB-L 73978 CDB-U 65155	Failing to comply with a written DTF building work within the period specified in relation to a site in Mambourin.	Reprimand, penalty of \$10,000, partial suspension of registrations (only building work required to be carried out by building order, DTF, notice or VCAT order) until the DTF addressed or revoked (maximum three years) (Authority subsequently notified DTF revoked).	\$10,000	19/01/2024
Kapitol Group Pty Ltd	CDB-U 63977 CCB-U 59770	Failing to notify a mandatory stage inspection in relation to a site in Melbourne.	Reprimand and penalty of \$6,000.	\$6,000	25/01/2024
Modscape Residential Pty Ltd	CDB-U 50417	Failing to notify a mandatory stage inspection, in relation to a site in Skenes Creek.	Reprimand and penalty of \$4,000.	\$4,000	25/01/2024
Hydebuild Pty Ltd	CDB-U 50758	Failing to comply with a written DTF building work within the period specified in relation to a site in Dereel.	Reprimand, penalty of \$6,000 and partial suspension of registration (only building work required to be carried out by building order, DTF, notice or VCAT order) until DTF is addressed or revoked (maximum three years) (Authority subsequently notified DTF revoked).	\$6,000	05/02/2024
Compass Pools Vic Pty Ltd	CDB-L 57219	Failing to notify a mandatory stage inspection in relation to a site in Gowanbrae.	Reprimand and penalty of \$2,750.	\$2,750	06/02/2024

Practitioner name	Registration Number	Conduct	Result	Penalty (\$) ²⁰	Date ²¹
Compass Pools Vic Pty Ltd	CDB-L 57219	Failing to notify a mandatory stage inspection in relation to a site in Cheltenham.	Reprimand and penalty of \$2,750.	\$2,750	06/02/2024
Compass Pools Vic Pty Ltd	CDB-L 57219	Failing to notify a mandatory stage inspection in relation to a site in Wallan.	Reprimand and penalty of \$3,500.	\$3,500	06/02/2024
JG King Pty Ltd	CDB-U 49366	Failing to notify a mandatory stage inspection in relation to a site in Warrnambool.	Reprimand and penalty of \$3,000.	\$3,000	07/02/2024
Everarche Homes Pty Ltd	CDB-U 59752	Failing to notify mandatory stage inspections in relation to a site in Templestowe.	Reprimand and penalty of \$15,000.	\$15,000	14/02/2024
Schintta Building Group Pty Ltd	CDB-U 63516	Failing to notify mandatory stage inspections in relation to a site in Burwood East.	Reprimand and penalty of \$6,000.	\$6,000	07/03/2024
VWD Group Pty Ltd	CBD-L 65848	Failing to notify mandatory stage inspections in relation to a site in Niddrie.	Reprimand and penalty of \$8,000.	\$8,000	20/03/2024
Cannad Homes Pty Ltd	CDB-U 69233	Being given a breach of dispute resolution order notice in relation to a site in St Leonards.	Reprimand, penalty of \$4,000 and partial suspension of registration for three years (statutory maximum) or until notice cancelled.	\$4,000	04/06/2024
Aycon Constructions & Building Services Pty Ltd	CDB-U 58863	Company produced false documents to building surveyor, building without required domestic building insurance and unprofessional conduct - not fit and proper person (Based on sample of 10 sites.)	31 reprimands, aggregate penalties (capped) of \$250,000, cancellation of registration and disqualified from obtaining Registration for three years.	\$250,000	06/06/2024

Practitioner name	Registration Number	Conduct	Result	Penalty (\$) ²⁰	Date ²¹
Western Outdoor Creations Pty Ltd	CDB-L 73096	Being given a breach of dispute resolution order notice in relation to a site in Brown Hill.	Reprimand, penalty of \$2,500 and partial suspension of registration for three years (statutory maximum) or until notice cancelled.	\$2,500	27/06/2024

²⁰Some penalties were originally fixed by reference to penalty units. In those cases, the penalties are rounded to the nearest whole dollar.

²¹ The date of decision show is the date the decision was made by the VBA's primary delegate; where the practitioner sought review, the date of any subsequent decision by the VBA's internal reviewer or VCAT. This table does not disclose matters where disciplinary action is stayed pending internal review or the outcome was to take no disciplinary action, and so the matters disclosed here do not necessarily correspond to Table 18.



Prosecutions

The VBA may file charges against a person (registered practitioner or other unregistered person) or body corporate for offences against the Act. A VBA prosecution is a criminal proceeding that is heard in the Magistrates’ Court of Victoria but may be heard in the County Court of Victoria, depending on the offence(s) and circumstances.

The ability to issue criminal charges is an important regulatory tool for the VBA. Once an investigation has been completed, if serious non-compliance has been identified, we consider whether to initiate criminal proceedings. Examples of these serious non-compliances include carrying out building work without a building permit or unregistered persons carrying out building work.

The VBA will only proceed with a prosecution if there is a reasonable prospect of a conviction, and a prosecution is in the public interest.

Table 21 – Building prosecution comparisons

PROSECUTIONS	2022-23	2023-24	JUL – DEC 2023	JAN – JUN 2024
Number of building prosecutions completed by VBA	9	10	3	7

In the reporting period, seven building prosecutions were completed. There was a slight increase in prosecutions completed in 2023-24, when compared with the previous year. The timing of the resolution of building prosecution matters is determined by the appropriate court. Recent referrals for prosecution continue to be assessed by the VBA Legal Services team.

Table 22 – Building Prosecutions (Individuals) January to June 2024

Accused name	Description of matter	Result	Penalty (\$) ²³	Date
BUZZA, Todd	Carried out work under a major domestic building contract without registration, carried out building work without insurance and refused/failed to comply with requirement of authorised person.	Three charges proven with conviction. Fine of \$15,000.	\$15,000	16/01/2024
BUHAGIAR, Westley	Carried out work under a major domestic building contract without registration, carried out building work without insurance and carried out work without building permit in place.	Three charges proven with conviction. Fine of \$12,500.	\$12,500	07/02/2024
OLIVER, Lachlan	Carried out work without a building permit and made a representation or implied that they were a building practitioner registered in a particular category or class of registration.	Two charges proven with conviction. Fine of \$3,500.	\$3,500	18/04/2024
BARTOLO, Paul	Carried out work under a major domestic building contract without registration and carried out/ managed/arranged building work without insurance.	Two charges proven without conviction. Fine of \$2,000.	\$2,000	15/05/2024
MILINKOVIC, Ivan	Carried out work under a major domestic building contract without registration.	One charge proven without conviction. Fine of \$600.	\$600	16/05/2024
VERA, Sergio	Carried out building work under a domestic building contract while unregistered and without the required insurance and knowingly made a misleading statement to an authorised person and failed to comply with a request from an authorised person.	Four grounds proven with conviction. Aggregate fine of \$20,000.	\$20,000	05/06/2024
DEY, Nandini	Failed to comply with a building order.	Charge proven without conviction. Fine of \$2,000.	\$2,000	06/06/2024

²²This list does not include prosecutions commenced by the VBA which were subsequently withdrawn.

²³Excludes costs.

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