

What you need to know about

Victoria's building legislation system



What is the building legislation system in Victoria?

Victoria's building legislation system was set up under a Victorian Act of Parliament, the *Building Act 1993* (the Act). It has developed into a leading model for other Australian States and Territories, as well as for other countries.

The Act introduced major changes in building control to improve the Victorian building industry. Of particular note, the Act introduced building permit approvals by private building surveyors. It also introduced compulsory registration and insurance for builders and certain other categories of building practitioners.

These innovations have been designed to assist building owners, building surveyors and other industry practitioners to produce buildings that are safe and sustainable and livable in a cost-effective and timely manner for all Victorians.

What legislation governs building activity?

All building work must comply with the Act, *Building Regulations 2006* (the Regulations) and the *Building Code of Australia* (the BCA) unless specifically exempted.

The Act sets out the legal framework for the regulation of construction of buildings, building standards and maintenance of specific building safety features, in Victoria.

The objectives of the Act include:

- To establish, maintain and improve standards for the construction and maintenance of buildings
- To facilitate the adoption and efficient application of national uniform building standards and the accreditation of building products
- To enhance the amenity of buildings and protect the safety and health of people who use buildings
- To facilitate and promote the cost-effective construction of buildings
- To provide an efficient and effective system for issuing building and occupancy permits.

The Regulations are derived from the Act and contain amongst other things, the requirements relating to building permits, building inspections, occupancy permits, enforcement of the Regulations and maintenance of buildings.

The Regulations call up the BCA as a technical reference that must be complied with, thereby giving it legal status.

The BCA is produced and maintained by the Australian Building Codes Board on behalf of the Commonwealth Government and each State and Territory Government. It is a uniform set of technical provisions for the design and construction of buildings and other structures. It is fully performance based and allows for state variations to provide additional requirements or cater for specific community expectations. A performance based approach defines the way of achieving a specified outcome without prescribing a particular method.

Hierarchy of building control documents

*Building Act 1993**

Policy prepared by the Building Commission and approved by the State Government. The Act is made by Parliament. It is enforced and administered by building surveyors, Local Government and the Building Commission.



*Building Regulations 2006**

Prepared by the Building Commission and approved by the Minister for Planning. The Regulations are made by the Governor in Council. They are enforced and administered by building surveyors, Local Government and the Building Commission.



Building Code of Australia

Prepared by the Australian Building Codes Board and administered by States and Territories.

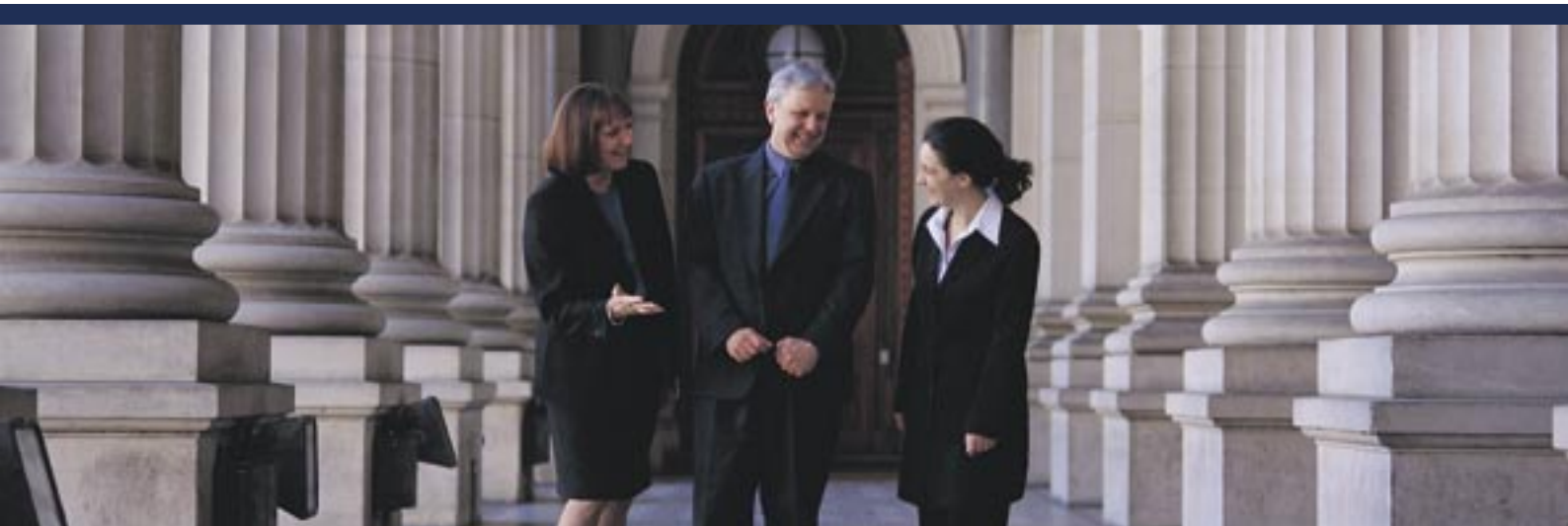


Australian Standards and other Codes

Prepared by Standards Australia and other organisations and referenced in the *Building Code of Australia*.

* The Minister may from time-to-time issue Guidelines. Most Guidelines relate to the functions of building surveyors under the Act and Regulations.

The Minister may also issue Ministerial Orders relating to insurance requirements.



Where does the Building Commission fit in?

The Building Commission and statutory bodies were established by the *Building Act 1993* to administer Victoria's building regulation system.

The four statutory bodies established by the *Building Act 1993* are:

- Building Advisory Council
- Building Regulations Advisory Committee
- Building Practitioners Board
- Building Appeals Board.

The Commission and the four statutory bodies:

- Regulate the Victorian building industry
- Register 20,000 building practitioners in Victoria
- Inform consumers of their rights and responsibilities when building and renovating
- Administer building legislation, the *Building Act 1993* and *Building Regulations 2006*
- Advise the Minister for Planning and the Victorian Government on building matters
- Resolve disputes as part of the Building Advice & Conciliation Victoria service
- Accredite building products, construction methods, designs, components and systems associated with building
- Determine disputes and appeals arising from the *Building Act 1993*
- Register cooling towers
- Communicate building legislation changes
- Promote improved building standards both nationally and internationally
- Provide comprehensive information on building activity
- Facilitate research and development in the building industry
- Promote use of leading information technology and telecommunications technology
- Encourage sustainable building design and construction.

How can Victorian building legislation be changed?

Building legislation can be changed in two ways: by new legislation being made by Parliament or by new regulations being made according to the requirements of the *Subordinate Legislation Act 1994*. Both processes are open to public scrutiny.

1. New legislation can be made through a Bill which must be considered and passed by both Houses of Parliament. It then must be given Royal Assent by the Governor in Council before it becomes an Act of Parliament. More information regarding this process can be found on the Parliament of Victoria's website www.parliament.vic.gov.au/law.html.
2. The *Subordinate Legislation Act 1994* sets out the requirements for the preparation, making and publication of new regulations and ensures that all new regulations are subject to Parliament's authority and control. The *Subordinate Legislation Act 1994* also requires that all regulations be re-made after 10 years of operation. This is referred to as the "sunsetting" of the Regulations. More information regarding this process can be found on the Victorian Competition and Efficiency Commission website www.vcec.vic.gov.au.

Where can a copy of the building legislation be obtained?

The Act, the Regulations and other statutory publications are published in hard copy and electronically. They can be purchased from:

- Anstat Pty Ltd on (03) 9278 1144
- Information Victoria on 1300 366 356

An electronic copy of the Act or Regulations can be obtained by accessing the "Law Today" icon on the Victorian legislation and Parliamentary documents homepage www.dms.dpc.vic.gov.au.

The Minister's Guidelines and the Ministerial Orders are available from the Building Commission's website www.buildingcommission.com.au.

Need more information?

For more information regarding legislation, please visit the following websites:

Office of the Chief Parliamentary Counsel at
www.ocpc.vic.gov.au

Victorian Competition and Efficiency Commission at
www.vcec.vic.gov.au

Australian Building Codes Board at
www.abcb.gov.au

Standards Australia at
www.standards.com.au

For any further queries regarding Victoria's building legislation,
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