

Building Appeals Board

Appeal Or Dispute

NOTICE OF APPEAL OR REFERRAL OF MATTER TO THE BUILDING APPEALS BOARD

Postal Address: PO Box 536 Melbourne 3001 Direct Fax: (03) 9285 6410

To the Registrar, Building Appeals Board,
I hereby make application to appeal or refer a matter, details of which are listed below:

1) SITE DETAILS

Address: _____

Postcode: _____

Municipality: _____

Use of Building: _____ Class(es): _____

*** Delete as applicable (mandatory field)**

Is the Commission involved in the matter?	Yes/No*
Is the Building Practitioners Board involved in the matter?	Yes/No*
Is the building on a register under the Historic Buildings Act?	Yes/No*
Is the applicant acting on behalf of an owner?	Yes/No*
Is the owner aware of this application?	Yes/No*

2) APPLICANT

Name: _____

Address: _____ Postcode: _____

Tel: _____ Fax: _____ Mob: _____ Email: _____

3) OTHER PARTIES (LIST ALL)

Other parties involved in this matter other than the applicant:

Name: _____

Address: _____ Postcode: _____

Tel: _____ Fax: _____ Mob: _____ Email: _____

Name: _____

Address: _____ Postcode: _____

Tel: _____ Fax: _____ Mob: _____ Email: _____

4) SERVICE OF DOCUMENTS (MANDATORY)

(*Delete as applicable) A copy of this document **has been/will be*** served on all parties to this matter.

The Building Act 1993 requires that a copy of this document **MUST** be lodged with the other parties in this matter. It is the applicant's responsibility to ensure this is done prior to the matter proceeding.

Appeal Or Dispute

Building Act 1993

5) GENERAL REQUIREMENTS (MANDATORY)

You **MUST** provide details of the Nature, Grounds and Relief Sought of your appeal or dispute.

1. Nature - What you are appealing?
2. Grounds - What are your reasons for the appeal?
3. Relief Sought - What do you want the outcome to be?

Five (5) copies of this Notice or Referral and 5 copies of all relevant documentation, plans, drawings and photos **MUST** be enclosed with a cheque for \$ _____ made payable to the **Building Commission**.

PLEASE NOTE: If the application is not complete the appeal process will be delayed.

****Signed Applicant** _____ Date / / ****Refer notes overleaf**

This person signing acts on behalf of the owner and confirms that the owner is aware of this application.

6) APPEAL PERIODS

Section of Act	Type	Matter	Appeal Period
138	Appeal	Building and Occupancy Permits	(30 days) (14 days for presc. rep.auth.)
139	Appeal	Temporary Occupation of Buildings	(30 days)
142	Appeal	Building Notices and Orders	(30 days)
144	Appeal	Building Regulations	(30 days)
144A	Appeal	Building & Construction Industry Security of Payment Act 2002	(30 days)
150	Dispute	Disputes about Inspections	N/A
156	Dispute	Disputes about the Building Permit Levy	N/A
157	Dispute	Application and Effect of Building Regulations	N/A
158	Dispute	Party Walls	N/A
164	Dispute	Termination and Variation of Agreements	N/A
147	Request	Fast track Appeal	N/A

7) FEES

Please refer to the Building Commission Website: www.buildingcommission.com.au or contact the BAB support staff to obtain the current schedule of prescribed fees for appeal and dispute applications.

An additional fee may also be required by the Board where, in consideration of any matter, an inspection of a site has been made by a member or members of the Board hearing that matter.

Note: Appeal/Dispute application fees are GST-exempt, under Division 81 of the GST Legislation. Please keep a copy for your records. Upon payment, this becomes a "TAX INVOICE"

8) PAYMENT DETAILS

A cheque for \$ _____ is enclosed made payable to the **Building Commission**.

OR Please debit my:   for \$ _____ Expiry Date: /

Cardholder's name: _____ Card No

Cardholder's signature: _____ Date: / /

9) NOTES

**Under Section 248 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.

Please note that the Board may, in making a determination, make reference to any plans or drawings you have submitted. The Board may also annex any document or extract of a document to its final determination. Any documents annexed to a determination will become public records and liable to disclosure on request.

10) FAST TRACK APPEALS

In the case of an application made seeking a fast track appeal hearing you MUST complete the Fast Track Application Form (available on the Building Commission website) outlining reasons for the request under section 147 of the Act and include the additional prescribed fee for a fast track appeal.

If a request for a fast track appeal is granted, the Board may require the person making the request to pay the reasonable costs of all parties to the appeal for the proceedings after the request is granted.

The Board may require that an additional prescribed fee for the purposes of section 147(3)(b) be charged at a hourly rate for the time taken for the hearing (including any adjourned hearing) excluding the first two hours of hearing.