

What you need to know about

# the Building Practitioners Board



## What is the Building Practitioners Board?

The Building Practitioners Board (BPB) is an independent statutory body established under the *Building Act 1993* to oversee the quality and standard of professional services in the Victorian building industry. As part of this role, it administers a registration system and monitors the conduct of Registered Building Practitioners and their ability to practise.

The BPB meets on a monthly basis to make decisions on registrations and other matters relating to the conduct of practitioners. It comprises 11 members representing the professional associations of the various categories of building practitioner, as well as a legal representative, consumer representative and an independent chairperson.

The BPB can impose penalties but it should be noted that the BPB does not have power to order a builder or other practitioner to carry out an act. For example, work to rectify a defective building or make repairs could not be the subject of a BPB order.

The BPB has the power to issue 'certificates of consent' which allow people to act as an owner-builder without the need to become registered as a builder. The law provides strict rules which aim to prevent people who are unable to meet the requirements for registration from carrying on in the business of building.

More detailed information about the owner-builder system is available on the Building Commission website [www.buildingcommission.com.au](http://www.buildingcommission.com.au)

# Inquiries into Registered Building Practitioners

## What is a BPB inquiry?

A BPB inquiry is a hearing into a Registered Building Practitioners' conduct and/or ability to practise. The hearings concern building practitioners who are currently registered, as well as building practitioners who were registered at the time of the alleged offence or misconduct.

## How does an inquiry begin?

The BPB may begin an inquiry into the conduct and/or ability to practise, of Registered Building Practitioners in the following ways:

- on its own initiative or on the recommendation of a person appointed by the Board
- by referral from the Commission, an insurer, or the Victorian Civil & Administrative Tribunal or
- at the request of any other person.

On receipt of a written request for an inquiry, the information is officially recorded and referred to the BPB for consideration. The BPB then decides whether to proceed with an inquiry based on the evidence provided to it.

## What type of inquiries are conducted?

The Act identifies two types of inquiries.

### 1. Inquiry into conduct

At an inquiry into conduct, the BPB considers the unique circumstances of a matter and determines whether the building practitioner:

- is guilty of unprofessional conduct as defined in the *Building Regulations 2006*
- has failed to comply with the Act or Regulations
- has failed to comply with a determination of the Building Appeals Board or a direction of the Building Commission
- has been guilty of conduct in relation to his or her practise as a building practitioner which:
  - a) is characterised by a pattern of conduct of gross negligence or gross incompetence
  - b) shows that he or she is not a fit or proper person to practise as a building practitioner

- has employed or engaged to do, on his or her behalf, work of a kind that can only be done by a person registered in a particular category or class, a person who is not so registered
- has obtained registration and/or insurance by fraud or misrepresentation
- has had their authority to practise as a building practitioner in a place outside Victoria cancelled or suspended
- has failed to comply with an undertaking given to the BPB.

The BPB may make any of the following decisions:

- reprimand the building practitioner
- order the building practitioner to pay the costs associated with the inquiry
- require the building practitioner to give an undertaking not to do a specific thing
- impose a fine
- suspend registration for up to three years
- cancel registration.

## 2. Inquiry into ability to practise

At an inquiry into a building practitioner's ability to practise, the BPB may cancel the practitioner's registration or suspend registration for up to three years, if it is satisfied that he or she is incapable of practising.

## Can a practitioner be suspended before the hearing?

The BPB may suspend a practitioner's registration prior to a pending inquiry if it considers it is in the interest of public safety to do so. The BPB will advise the person concerned in writing that they are suspended and are unable to practise as a Registered Building Practitioner.

## **Is legal representation required at the inquiry?**

A building practitioner may choose to have legal representation at an inquiry. Matters relating to legal representation, witnesses and suitable hearing dates are usually discussed at a preliminary conference held before the time of the inquiry. If there is legal representation, the building practitioner must advise the Registrar of the BPB in advance of the inquiry. Failure to do so may result in the adjournment of the hearing and costs being incurred by the practitioner.

In conducting an inquiry, which is essentially a disciplinary hearing, the BPB proceeds with as little formality and technicality as possible.

## **Who can attend the inquiry?**

All parties to an inquiry are encouraged to attend the hearing and present their case.

The inquiry may proceed in the absence of any party, if the BPB is satisfied that all parties have been given reasonable notice of the date, time and location of the inquiry. If neither party attends, the BPB may base its decision on the evidence before it.

## **How is the Board's decision communicated?**

In most instances, the Board's decision is given to the parties at the conclusion of the hearing. A written copy of the decision is also mailed to affected parties following the inquiry.

## **Is the BPB's decision final?**

A party may appeal to the Building Appeals Board against a decision of the BPB. In addition, where the BPB has failed to hold an inquiry in a reasonable time or refuses to hold an inquiry, then the person who requested or referred the matter, may also appeal to the Building Appeals Board.

## Registration of Building Practitioners

### Who needs to be registered?

The *Building Act 1993* requires people who carry out or undertake work in the business of building, to be registered as building practitioners with the BPB. Registered Building Practitioners are required to be insured to provide consumers with adequate protection. The BPB registers individuals ('natural persons'), not companies or businesses.

### What are the categories and classes of building practitioners?

The *Building Regulations 2006* outline the various categories and classes of building practitioners. Suitability for registration is based upon the nature and extent of qualifications and experience.

The following categories and classes of building practitioners are currently required to be registered with the BPB:

- Building surveyor
- Building inspector (Unlimited/Limited)
- Quantity surveyor
- Engineer (Civil/Mechanical/Electrical/Fire Safety)
- Draftsperson (Building design – architectural, interior, services)
- Builder (Commercial builder – unlimited/limited/medium rise)
- Builder (Domestic builder – unlimited/limited/manager)
- Builder (Demolisher – low rise buildings/medium rise buildings/unlimited)
- Erector or supervisor (temporary structures– Class 1 and 2).

For more information regarding the registration categories and classes, please contact the BPB on 1300 360 320.

Please note, architects, electricians and plumbers are not registered with the BPB. Architects are separately registered with the Architects Registration Board of Victoria, electricians with the Office of the Chief Electrical Inspector and plumbers with the Plumbing Industry Commission.

### **How does a person register with the BPB?**

To register as a building practitioner, a person must submit an application form available from the BPB or the Building Commission website ([www.buildingcommission.com.au](http://www.buildingcommission.com.au)). Applications can be made in person, by fax or by mail. The application must be accompanied by an application fee and proof of the required insurance cover. In most instances, an interview is required.

### **What do consumers need to know?**

Consumers need to be aware that only Registered Building Practitioners should be engaged to undertake domestic building work with a value greater than \$5,000. If a consumer uses a builder who is not registered, they potentially accept all the legal risks.

The Building Commission is a statutory authority set up by the *Building Act 1993*. The Commission supports the function of the BPB and is committed to the following objectives:

- regulatory excellence – delivering effective and responsible industry governance
- industry responsibility – supporting government and stakeholders to transform the industry
- environmental best practice – ensuring a sustainable built environment
- community accountability – ensuring safe building services for the community.

**The Building Practitioners Board oversees the quality and standard of professional services in the Victorian building industry.**

## Need more information?

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