

# Building Regulations review

## Strengthened Regulations

The Department of Environment, Land, Water and Planning has identified a number of changes to the Building Regulations to improve consumer protection and safety.

The key changes are as follows.

### Improve reporting by a relevant building surveyor (RBS) to the Victorian Building Authority (VBA)

A RBS would provide more information to VBA about timeframes for building work and about obligations relevant to the work (such as about mandatory inspections, exemptions and consents granted and whether the work relates to change of use or requirements for protection work). (reg 55)

### Require a RBS to inform the owner and builder a building permit is about to lapse

A RBS would be required to send them each a notice the building permit was going to lapse in three months, if certain inspections hadn't happened. VBA and the council would also receive a copy. The applicant could then ask the RBS for an extension to prevent their building permit lapsing. (regs 64–66)

### Require a RBS to provide more information with a protection work notice

So owners of adjoining property are better informed about the protection work process and how the building work will affect them, the RBS would be required to record a determination in a prescribed form. The RBS would have to have regard to specific criteria when determining whether protection work was required. The notice required to be served on the adjoining owner would also be required to be in a prescribed form, and accompanied by:

- VBA-approved guidance material about the protection work process and the procedure for resolving disputes
- a copy of an allotment plan showing the position of the proposed building work in relation to an adjoining property

- plans and specifications showing how the proposed building work might affect adjoining property and how the proposed protection work would address this risk. (regs 111–113)

### Introduce new requirements for swimming pool and spa barriers

All swimming pools and spas would be required to have a four-sided isolation barrier that complies with the most recent Australian standard (which may require owners of older pools and spas to bring them into compliance by 1 October 2020). (reg 141) The Regulations would require the owner to maintain the pool and/or spa safety barrier (a requirement previously of the occupier), and the occupier would be required to take all reasonable steps (such as to notify the owner) to ensure the barrier was operating effectively. (regs 143–144)

### Add three extra mandatory notification stages

Before covering walls, floors or ceilings (to check fire resistance and the structural integrity of the framework); before covering waterproofing in wet areas; and after completing stormwater drainage system. This aims to reduce the high level of defects in some current building work. (reg 169)

The table below summarises the proposed strengthened Regulations, regulation-by-regulation. In the column headed:

- '2006' is the number(s) of the current (2006) regulation
- '2017' is the proposed 2017 regulation
- 'Regulation' is a brief explanation of the regulation
- 'Why the 2017 Regulation is proposed' is brief background for the change.



2006	2017	REGULATION	WHY THE 2017 REGULATION IS PROPOSED
<b>PT 1—PRELIMINARY</b>			
<i>Div 2—Definitions and interpretation</i>			
N/A	NEW 6	<b>Interpretation</b> Provides that the proposed Regulations prevail over any incorporated document where any inconsistency arises between the two.	This Regulation ensures any document incorporated in the Regulations that is amended after incorporation, and in a manner inconsistent with the intended operation of the proposed Regulations, does not impact on the operation of the Regulations.
<b>PT 4—COMBINED ALLOTMENTS</b>			
N/A	24 NEW	<b>Application to treat combined allotments as one allotment</b> States who can apply for a combined allotments determination and to whom that application must be made, and how that application must be made.	This new Regulation provides a clear application process and certainty for all involved. This process is absent from the current Regulations.
N/A	25 NEW	<b>Information to be contained in or accompany application</b> Contains the minimum necessary information which must be included in and accompany an application for the purpose of reg 24.	This is a new Regulation which is necessary to facilitate efficient decision-making and reduce or avoid delays caused by lack of information.
N/A	26 NEW	<b>Building surveyor may request more information</b> Empowers the building surveyor asked to make a combined allotments determination to request any additional information from an applicant which is required to make a combined allotments determination.	This is a new Regulation which ensures a building surveyor can request further information to make a determination, if the minimum mandatory information required is insufficient.
N/A	27 NEW	<b>Application may be refused if information not provided</b> Provides that if additional information is requested and not provided, a municipal building surveyor or a private building surveyor may refuse the application.	This is a new Regulation to clarify an application can be refused due to lack of information.
502(1) 502(2)	28	<b>Determination to treat combined allotments as one allotment</b> Establishes the circumstances when a municipal building surveyor or a private building surveyor can make a determination in relation to combined allotments.	Improves efficiency of decision-making by specifying the process and decision-making criteria for making a determination.



2006	2017	REGULATION	WHY THE 2017 REGULATION IS PROPOSED
<b>PT 5—BUILDING PERMITS</b>			
<i>Div 2—Applications for building permits</i>			
N/A	NEW 36	<p><b>Application for permit where swimming pool or spa proposed</b></p> <p>Requires an application to demonstrate that a compliant barrier will be constructed in conjunction with the swimming pool. A building permit cannot be issued for the construction of a swimming pool unless a compliant barrier is approved as part of that permit application.</p>	This Regulation is required to reinforce the safety imperative that a compliant safety barrier is constructed in conjunction with a swimming pool.
<i>Div 3—Report or consent of reporting authorities</i>			
308(1)	38	<p><b>Prescribed reporting authorities</b></p> <p>Specifies who is a reporting authority in relation to an application for a building permit.</p>	This Regulation is required to give effect to cl 7(2) of sch 2 to the Act. Service authority has been included to ensure their recommendations are treated as mandatory.
<i>Div 4—Building permits</i>			
N/A	NEW 46	<p><b>Building surveyor to document assessment of performance solutions</b></p> <p>Requires the RBS to record in writing how performance solutions have been assessed when issuing a building permit.</p>	This Regulation addresses information asymmetry and is a new Regulation to improve record-keeping of potentially higher risk assessment decisions.
314	47	<p><b>Building surveyor to provide copy of permit</b></p> <p>Requires the RBS to forward a building permit and approved documentation to the applicant, within seven days of its issue.</p>	This Regulation is required to ensure that an applicant is provided with a copy of the authorisation (building permit), as soon as practicable after it is issued, to allow building work to commence. It has been updated to allow documentation to be forwarded electronically by the RBS, as well as to address information asymmetry by ensuring that copies of permits are forwarded to relevant parties.
317	49	<p><b>Provision and display of permit information</b></p> <p>Requires that the person in charge of the building work keeps onsite, and available for inspection, a copy of the building permit and approved plans, specifications and documentation for the building work, in addition to registration and permit number details.</p>	This Regulation is required to address information asymmetry and to facilitate regulatory monitoring and enforcement. The obligation to have a copy of the building permit and related documentation onsite is now drafted as a strict requirement which will assist the enforcement of this offence.



2006	2017	REGULATION	WHY THE 2017 REGULATION IS PROPOSED
N/A	NEW 51	<p><b>Builder to notify change of name or address</b></p> <p>Requires a building practitioner nominated in a building permit to notify the RBS of any change to their name and/or address.</p>	<p>This Regulation is required to address information asymmetry. It ensures that the owner and the RBS have the current contact details of registered building practitioners responsible for building work authorised by a building permit for monitoring and enforcement purposes.</p>
<b>Div 5—Duties of the building surveyor</b>			
319	52	<p><b>Documents to be given to council</b></p> <p>Prescribes the documentation, in relation to a building permit, that the RBS must lodge with council for record-keeping purposes.</p>	<p>This Regulation is required to give effect to s 30(1A) of the Act. New forms have been added to allow building surveyors to better document and record their assessment and compliance decisions. These forms have been added to the list of documents required to be lodged by the RBS with the relevant council.</p>
320	53	<p><b>Lodgement fees</b></p> <p>Prescribes the fee for lodging building permit documents with council.</p>	<p>This Regulation is required to give effect to cl 1(d) of sch 2 of the Act and to provide for an exemption from paying the fee in relation to classes of building referred to in proposed reg 277. The exemption for work valued at below \$5,000 is removed to reflect the preferred option of full cost recovery. It is currently 2.75 fee units and is proposed to be changed to 8.23 fee units.</p>
322	55	<p><b>Information the RBS must give to VBA</b></p> <p>Requires the RBS to provide targeted information to the VBA, on a monthly basis, in relation to the progress of key stages of building work authorised by the RBS by means of a building permit.</p>	<p>This Regulation is required to address information asymmetries and to assist the VBA in its monitoring and enforcement functions under the Act. It now requires additional reporting requirements of RBSs than previously.</p>
323	56	<p><b>Guarantees and bonds</b></p> <p>Specifies the circumstances in respect of which the RBS may require a guarantee or bond to secure the completion of building work and also the amount of the security.</p>	<p>This Regulation is required to give effect to s 22 of the Act. The required security amount for re-erection has been increased from the amount set over 10 years ago, to ensure the costs of rectification can be covered should this be required.</p>



2006	2017	REGULATION	WHY THE 2017 REGULATION IS PROPOSED
<b>Div 7—Time limits for building work and permits</b>			
N/A	NEW 64	<p><b>Notice of imminent lapse of building permit – commencement of work</b></p> <p>Requires the RBS to issue a notice to the applicant of a building permit of the date building work must be commenced by, if the RBS has not conducted the first mandatory inspection of building work within three months of the required commencement date.</p>	<p>This Regulation is required to help ensure a building permit is not left to lapse inadvertently. It improves administrative efficiency because the notice gives the owner enough time to take action to either commence work or to apply for an extension to the commencement date for building work, before the permit lapses.</p>
N/A	NEW 65	<p><b>Notice of imminent lapse of building permit – completion of work</b></p> <p>Requires the RBS to issue a notice to the applicant of a building permit of the date building work must be completed by, if the RBS has not conducted the final mandatory inspection within 3 months of the completion date.</p>	<p>This Regulation is required to help ensure a building permit is not left to lapse inadvertently. It also improves administrative efficiency because the notice gives the owner enough time to take action to either complete work or to apply for an extension to the completion date nominated for the building work, before the permit lapses.</p>
N/A	NEW 66	<p><b>Copy of notice of imminent lapse of building permit to be provided</b></p> <p>Requires the RBS to give a copy of any notice issued under proposed new Regulations 64 and 65 to the owner (if not the building permit applicant), the builder, the relevant council and to the VBA.</p>	<p>This Regulation ensures compliance with building work and the regulatory time frames under the Act and Regulations, by making relevant parties aware of any potential issues.</p>
<b>PT 7—PROJECTIONS BEYOND STREET ALIGNMENT</b>			
508	104	<p><b>Sunblinds and awnings</b></p> <p>Limits when sunblinds and awnings can extend out from the building over a street or footpath.</p>	<p>This Regulation is required to ensure suitable clearances for sunblinds and awnings are provided for the safe passage of pedestrian and vehicular traffic. The clearance for vehicle traffic is new.</p>



2006	2017	REGULATION	WHY THE 2017 REGULATION IS PROPOSED
<b>PT 8—PROTECTION OF ADJOINING PROPERTY AND THE PUBLIC</b>			
<i>Div 1—Protection of adjoining property by means of protection work</i>			
602	111	<p><b>Required protection work</b></p> <p>Requires the RBS to determine if building work gives rise to the need for protection work. It also provides for how this determination should be documented and the owner notified of the outcome of the determination.</p>	<p>This Regulation is required to triggers the application of pt 7 of the Act to building work which gives rise to the need for protection work. This requirement has been strengthened to require the RBS to document and record a determination to require (or not the require) protection work in the prescribed form.</p>
603	112	<p><b>Matters RBS must consider when determining if protection work required</b></p> <p>Specifies matters which the RBS must consider when making a determination as to whether or not building work gives rise to the need for protection work.</p>	<p>This Regulation is required to set out the mandatory minimum criteria which the RBS must take into account when making a determination in relation to whether or not building work gives rise to the need for protection work. This is a new Regulation to support consistent decision-making between building surveyors, in respect of the need for protection work.</p>
602(2) 602(3)	113	<p><b>Protection work notice</b></p> <p>Specifies the form to be used for a protection work notice required by s 84 of the Act and also the information which must accompany that form when served.</p>	<p>This Regulation is required to give effect to s 84 of the Act. Amended to strengthen the operation of the Regulation to address information asymmetry for the benefit of the adjoining owner.</p>
<b>PT 9—BUILDING WORK</b>			
<i>Div 1—Methods of assessment of compliance</i>			
113	121	<p><b>Fire-performance requirements—performance solutions</b></p> <p>Limits the circumstances in which the RBS is empowered to determine that a performance solution complies with a fire-performance requirement of the Building Code of Australia.</p>	<p>This Regulation is required to reduce health and safety risks associated with building fires by requiring additional expert oversight of approvals of fire-performance solutions owing to the complex nature of fire-safety measures. This Regulation remakes current reg 113 with amendments to clarify options to meet the additional layer of fire expertise required to approve fire-performance solutions.</p>
<i>Div 2—Special provisions</i>			
610	132	<p><b>Storm water drainage</b></p> <p>Requires specific additional approval requirements in relation to stormwater drainage systems, including a requirement to obtain a report from the relevant council in relation to how a proposed point of discharge aligns with council infrastructure.</p>	<p>This Regulation is required to ensure the proper management of stormwater, including to reduces the risk of flooding arising as a result of ineffective stormwater drainage systems. Minor amendment is proposed to current reg 612 to ensure that the design of stormwater drainage system from the property is only approved if the point of discharge is consistent with the report of the relevant council.</p>



2006	2017	REGULATION	WHY THE 2017 REGULATION IS PROPOSED
<b>PT 10—BUILDING WORK—SAFETY REQUIREMENTS</b>			
<i>Div 1—Requirements for barriers for swimming pools and spas until 1 October 2020</i>			
702	135	<p><b>Application and revocation of this division</b></p> <p>Specifies which swimming pools and spas are required to comply with Div 1 of the proposed Regulations.</p>	<p>This Regulation is required to revoke the current Regulations to enable proposed Regulations 139–141 to come into effect in 2020.</p>
<i>Div 2—Requirements for barriers for swimming pools and spas from 1 October 2020</i>			
N/A	NEW 140	<p><b>Application of this division</b></p> <p>Specifies which swimming pools and spas are required to comply with div 2 of the proposed Regulations.</p>	<p>Refer also to proposed reg 135. This Regulation will apply standards retrospectively to existing swimming pools and spas constructed before 1 May 2010, because they will not have a barrier that meets current safety standards.</p>
N/A	NEW 141	<p><b>Swimming pool and spa barriers</b></p> <p>Requires safety barriers to be upgraded to the current standards, which currently apply to all new swimming pools and spas.</p>	<p>Refer also to proposed reg 135. This Regulation mitigates risks to health and safety by requiring the upgrading of safety barriers to current standards, which is the installation of a four-sided isolation barrier around all existing swimming pools and/or spas.</p>
<i>Div 3—Maintenance and operation of barriers for swimming pools and spas</i>			
N/A	NEW 143	<p><b>Swimming pool and spa barrier maintenance</b></p> <p>Requires the owner to maintain the pool and/or spa safety barrier.</p>	<p>This Regulation mitigates risks of safety barriers becoming ineffectual due to poor maintenance. This obligation is similar to proposed reg 144, however, there was previously no obligation imposed on the owner.</p>
1220 (1)	144	<p><b>Swimming pool and spa barrier operation</b></p> <p>Requires an occupier to ensure that the pool and/or spa safety barrier is operating effectively.</p>	<p>This Regulation mitigates safety risks by imposing an obligation on the occupier to ensure that the safety barrier is in working order. The obligation is imposed specifically on the occupier.</p>
1220(2) 1220(3)	145	<p><b>Swimming pool and spa barrier gate must remain closed</b></p> <p>Establishes the requirement that any gate or door, which forms part of a safety barrier, must remain closed except when a person is entering or leaving the pool or spa area.</p>	<p>This Regulation mitigates safety risks by imposing an obligation on the occupier to ensure that any gates or doors remain closed. The broader application to any person is removed. This strengthens the offence because it is straightforward to determine liability because it now falls on the occupier. It is too difficult to determine liability if there are multiple people using the gate or door on a day to day basis.</p>



2006	2017	REGULATION	WHY THE 2017 REGULATION IS PROPOSED
<b>PT 13—INSPECTIONS NOTICES AND ORDERS</b>			
<i>Div 1—Inspections and directions</i>			
901(1)	169	<p><b>Prescribed mandatory notification stages for construction or alteration of building</b></p> <p>Specifies when the builder must notify the RBS in relation to a completed stage of building work.</p>	<p>This Regulation gives effect to s 3(1) of the Act. Three additional mandatory notification stages are prescribed to manage risks associated with noncompliant work.</p>
<i>Div 2—Notices and orders</i>			
N/A	NEW 177	<p><b>Form of emergency orders</b></p> <p>Provides a non-mandatory form to be used when issuing an emergency order.</p>	<p>This Regulation aims to improve the issuing of an emergency order because it will ensure that it contains all mandatory information and is enforceable at law.</p>
N/A	NEW 179	<p><b>Form of building notice</b></p> <p>Provides a non-mandatory form to be used when issuing a building notice.</p>	<p>This Regulation aims to improve the issuing of a building order because it will ensure that it contains all mandatory information and is enforceable at law. An invalid building notice will affect the legality of a subsequent building order issued and served under s 111 of the Act.</p>
N/A	NEW 181	<p><b>Form of building order</b></p> <p>Provides a non-mandatory form to be used when issuing a building notice.</p>	<p>This Regulation aims to improve the issuing of a building notice because it will ensure that it contains all mandatory information and is enforceable at law.</p>
<b>PT 14—OCCUPANCY PERMITS AND CERTIFICATES OF FINAL INSPECTION</b>			
<i>Div 2—Applications for occupancy permit</i>			
1002	184	<p><b>Application for occupancy permit</b></p> <p>Requires an application for an occupancy permit to be in a prescribed form.</p>	<p>This Regulation will improve administrative efficiency and reduces delays. Requires additional information to be submitted with an application to ensure the RBS has all the correct details to make a decision about whether to authorise occupation of a building.</p>
N/A	NEW 189	<p><b>Time within which RBS must decide application to amend occupancy permit</b></p> <p>Specifies the time period the RBS must decide to amend an occupancy permit after receiving an application.</p>	<p>This Regulation supports the operation of s 70(1)(a) of the Act.</p>



2006	2017	REGULATION	WHY THE 2017 REGULATION IS PROPOSED
<i>Div 3—Occupancy permits</i>			
N/A	NEW 191	<b>RBS to provide copy of permit</b> Requires the RBS to provide the applicant with a copy of the occupancy permit within seven days.	This Regulation reduces delays in the provision of the occupancy permit and enables the commencement of the relevant appeal period, for example if the owner wants to appeal a condition on the occupancy permit. Seven days is consistent with requirements in relation to a building permit.
N/A	NEW 193	<b>Condition on occupancy permit</b> Provides that a maintenance of essential safety measures (ESMs), whether in an occupancy permit or applied through a maintenance determination, is to be treated as a condition of the occupancy permit.	This Regulation strengthens enforcement action for regulators. Clarifies that compliance with ESM maintenance on an occupancy permit is a condition of occupying a building or place of public entertainment. Noncompliance should be enforced through s 40 of the Act. This Regulation also provides that compliance with a maintenance determination is to be treated as a condition on an occupancy permit so it can be enforced consistently.
<i>Div 4—Display and inspection requirements for occupancy permits</i>			
1007	195	<b>Display of occupancy permit at approved location</b> Requires the owner to ensure a copy of the occupancy permit to be displayed in an approved location.	Addresses information asymmetry for building occupants. Facilitates compliance, monitoring and enforcement. This is now an infringement offence. It is now straight forward to enforce because the words ‘take all reasonable steps’ are replaced with ‘must ensure’.
1009	197	<b>Owner to make permit available for inspection</b> Requires the owner to ensure a copy of the occupancy permit is available for inspection at the building or place of public entertainment on request by the municipal building surveyor or chief officer.	This Regulation facilitates efficiency by ensuring that the information required to monitor compliance is always readily available. This requirement is drafted as a strict liability offence so determination of culpability is straight forward. This is now an infringement offence. It is now straight forward to enforce because the words ‘take all reasonable steps’ are replaced with ‘must ensure’.



2006	2017	REGULATION	WHY THE 2017 REGULATION IS PROPOSED
<b>PT 16—MAINTENANCE OF BUILDINGS AND PLACES OF PUBLIC ENTERTAINMENT</b>			
<i>Div 1—Maintenance of essential safety measures</i>			
<i>Sub-div 2—Maintenance determinations</i>			
1205	214	<p><b>Owner must comply with maintenance determination</b></p> <p>Specifies maintenance requirements in relation to a maintenance determinations for buildings or places of public entertainment.</p>	<p>This Regulation mitigates health and safety risks by ensuring there is an obligation to comply with a maintenance determination when proposed Regulation 193(2) will not apply. The Regulation has been updated to apply only to a building that does not have an occupancy permit. The penalty has increased from 10 to 20 penalty units because noncompliance with a maintenance determination could result in injury and death.</p>
<i>Sub-div 3—Maintenance schedules</i>			
N/A	NEW 216	<p><b>RBS must prepare or update maintenance schedule</b></p> <p>Requires a maintenance schedule to be prepared in certain circumstances for buildings with existing ESMs installed. The owner must provide all relevant records to prepare it.</p>	<p>This Regulation mitigates health and safety risks from information asymmetry. A new Regulation to provide all current and future building owners with a single point of reference in relation to the ESMs in the buildings and the maintenance obligations associated with them. A penalty applies to this Regulation.</p>
1206	Multi- ple	<p>Regulation 1206 has been replaced by two Regulations discussed immediately below in relation to reg 217 and 220. Reg 218 does not represent a change from reg 1206.</p>	
N/A	NEW 217	<p><b>Owner of building or place may apply for maintenance schedule</b></p> <p>Enables a building surveyor to provide a service preparing maintenance schedules.</p>	<p>This Regulation ensures maintenance schedules are prepared by appropriately qualified persons and in accordance with the Regulations where an owner at their own discretion elects to have one prepared. Very similar to current reg 1206.</p>
N/A	NEW 219	<p><b>Building surveyor must give owner copy of maintenance schedule</b></p> <p>Requires a copy of the maintenance schedule to be provided to the owner of the building or place without delay.</p>	<p>This Regulation ensures the owner has a copy when one is prepared. This requirement has been specified to reduce administrative delays.</p>
1206(2) 1206(4)	220	<p><b>Maintenance schedules</b></p> <p>Specifies the form and information that must be contained in a maintenance schedule.</p>	<p>This Regulation requires all ESMs in a building to be listed in a maintenance schedule with the corresponding maintenance requirements. It must be in the form approved by VBA to facilitate consistent record-keeping across all buildings.</p>



2006	2017	REGULATION	WHY THE 2017 REGULATION IS PROPOSED
<i>Sub-div 4—Reporting and records</i>			
1209 1215	222	<b>Contents and form of annual ESMs report</b>  Specifies the content and form of an annual report.	To facilitate monitoring and enforcement and ensure that all relevant information is provided to assess compliance and improve record-keeping. Must be in the form approved by VBA to facilitate complete and consistent reporting across all buildings.
1217(1)	224	<b>Maintenance responsibility of owner of building or place constructed before 1 July 1994</b>  Specifies a general obligation to maintain an ESM that was installed before 1 July 1994.	This Regulation ensures that ESMs installed in a building are maintained if there is no specific corresponding maintenance requirement imposed through an occupancy permit or maintenance determination. The penalty has increased from 10 to 20 penalty units to indicate the seriousness of this breach. If an ESMs fails the impacts can be very high.
1217(2)	225	<b>ESM not to be moved from approved locations</b>  This Regulation makes it an offence to move an ESM for any purpose other than maintenance, inspection or testing.	This Regulation mitigates health and safety risks that could arise if ESMs are tampered with. The offence now applies to all buildings and the penalty has increased from 10 to 20 penalty units.
<b>PT 17—EXISTING BUILDINGS</b>			
<i>Div 1—Change of use of existing buildings</i>			
1011(1) 1011(5)	227	<b>Change of use</b>  This Regulation prohibits a person from changing the use of a building unless there is an occupancy permit allowing that use and the building complies with the Regulations applicable to that use.	This Regulation protects health and safety by ensuring that buildings have the appropriate safety features and services connected. The exemption to this Regulation has been moved to pt. 18. The penalty has been increased and introduces a prescribed form to facilitate clear and consistent records of these decisions across all building surveyors.
<i>Div 2—Subdivision of existing building</i>			
503	229	<b>Subdivision of existing building</b>  Requires each building resulting from a subdivided building to be brought into compliance with current Regulations.	This Regulation protects health and safety by ensuring that existing buildings are upgraded to modern day standards when subdivided. Penalty has increased and introduces a prescribed form to facilitate clear and consistent records of these decisions across all building surveyors.



2006	2017	REGULATION	WHY THE 2017 REGULATION IS PROPOSED
<i>Div 3—Alterations</i>			
608(2) 608(3)	231	<b>Alteration to existing building</b>  Requires any alteration to an existing building to comply with current Regulations and specifies when the entire building will be required to be upgraded. Also provides for the RBS to consent to partial compliance for alterations.	This Regulation protects health and safety by ensuring that existing buildings are upgraded to modern day standards when altered. Introduces a prescribed form to facilitate clear and consistent records of these decisions across all building surveyors.
609(1)	232	<b>Alterations affecting exits and paths to exits</b>  Requires compliance with Section D of Volume One of the Building Code of Australia if an alteration would adversely affect an exit or path of travel.	This Regulation protects health and safety by providing for suitable exits and paths to exits. Introduces a prescribed form to facilitate clear and consistent records of these decisions across all building surveyors.
<b>PT 18—BUILDING PRODUCT ACCREDITATION</b>			
<i>Div 3—Accreditation by Committee</i>			
1404	240	<b>Application for accreditation</b>  Provides for applications to Building Regulations Advisory Committee to have a building product accredited.	This Regulation has been strengthened to provide that applications must be in a required form, to provide for administrative efficiency in the accreditation process.
N/A	NEW 245	<b>Holder may request revocation of accreditation</b>  Establishes a mechanism whereby a certificate of accreditation holder may request the Building Regulations Advisory Committee to revoke an application.	This Regulation provides flexibility in the event that a building product is proposed to cease manufacturing or a certificate of accreditation holder discovers it is no longer compliant (for example, a change in standard). This assists in maintaining the integrity of the accreditation process.
N/A	NEW 246	<b>Accreditation ceases to have effect on revocation</b>  Clarifies that accreditation ceases to have effect on revocation.	This Regulation assists in the administration of the accreditation scheme, this Regulation provides that accreditation ceases to have effect when revoked.
<i>Div 4—Register and records</i>			
1409	251	<b>Records</b>  Provides record-keeping requirements of VBA in relation to the accreditation of building products.	This Regulation has been strengthened to provide that VBA must retain copies of all certificates of accreditation issued by the Building Regulations Advisory Committee, to assist administrative processes.



2006	2017	REGULATION	WHY THE 2017 REGULATION IS PROPOSED
<b>PT 19—BUILDING PRACTITIONERS</b>			
<i>Div 2—Registration</i>			
<i>Sub-div 1—Initial application for registration</i>			
N/A	NEW 253	<b>Applications for registration</b> Establishes the power for approved forms for applications for registration.	This Regulation codifies VBA's current registration processes and assists in providing transparency of process for applicants seeking registration as a building practitioner.
N/A	NEW 254	<b>Information to accompany application for registration</b> Specifies the information to accompany an application for registration.	This Regulation codifies VBA's current registration processes and provides transparency of process for applicants seeking registration as a building practitioner.
<i>Div 3—Application for renewal of registration</i>			
N/A	NEW 258	<b>Applications for renewal of registration</b> Establishes approved forms for applications for renewal of registration.	This Regulation codifies VBA's current registration processes by establishing the power for an approved form for renewal of registration. This assists in providing transparency of process for applicants seeking registration as a building practitioner.
N/A	NEW 259	<b>Renewal criteria for application for renewal of registration</b> Specifies the renewal criteria to accompany an application for registration.	This Regulation prescribes evidence of proof of identity as the accompanying information to be provided for renewal of registration, to supplement s 172AA of the Act. This provides transparency of process for applicants seeking registration as a building practitioner.
<b>PT 21—INFRINGEMENT NOTICES</b>			
1702	272	<b>Authorised officers</b> Specifies the prescribed office or class of officers to give effect to the definition of 'authorised officer' for building infringement notices.	This Regulation is required to continue to give effect to s 254 of the Act. It has been updated to provide the offences for which authorised persons are best placed to have responsibility for enforcing.
1703	273	<b>Prescribed offences</b> Specifies the offences in the Regulations to give effect to the definition of 'prescribed offences' for building infringement notices.	This Regulation required to prescribe offences for the purposes of s 254 of the Act, which assists in the administration of the building infringement notice framework. Infringement offences in relation to fire safety in certain residential buildings have been removed (current regs 707–710), as noncompliance with these requirements needs to be treated seriously through a building notice or order.  Has also been updated to include proposed reg 49(1) (current reg 317(1)) and proposed reg 195(2) (current reg 1007(2)), and align with proposed changes to pt 16 div 1 (maintenance of ESMs).



## Abbreviations for Acts and Regulations

<b>Abbreviation</b>	<b>Name</b>
Clause(s)	Cl(s)
Division(s)	Div(s)
Part(s)	Pt(s)
Regulation(s)	Reg(s)
Schedule(s)	Sch(s)
Section(s)	S(s)
Subdivision(s)	Sub-div(s)

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