

7 February 2025

Candidate briefing

**VICTORIA STATE GOVERNMENT  
BUILDING APPEALS BOARD**

Board Member



## ROLE

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<b>Title</b>	Board Member
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## BACKGROUND

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The Building Appeals Board (BAB) is an independent statutory body established under the Building Act 1993 (Building Act). BAB makes determinations about building control matters and seeks the best possible outcomes for the Victorian building industry and the community as a whole, in accordance with the Building Act. Members of BAB include architects, planners, builders, consumer representatives, access consultants, professional engineers, quantity surveyors, building surveyors, lawyers and other members of the building industry.

BAB operates as a panel list and may comprise as many members as considered necessary to hear and determine the matters before it. Matters before the Board are generally considered by panels of three members, who between them have the skills and expertise necessary to hear the matter. Panels are convened by the Chairperson. BAB determines matters relating to the Building Regulations, the Building Code, incorporating the National Construction Code (NCC), and specified provisions of the Building Act. Panels are established by the Chair to consider one or more matters and will comprise members with varied skills and experience relevant to the specific matter. Panels will consider the evidence presented by the parties to the application, assess the merits of the case, and prepare a written statement of its decision in the matter.

Further information regarding BAB and its functions can be found by visiting the BAB website at [www.buildingappeals.vic.gov.au](http://www.buildingappeals.vic.gov.au).

## ROLE OVERVIEW

As a BAB member, you will draw on your skills and professional expertise in the building industry or related professional experience to contribute to the deliberations of the panel and formulate a decision in response to the application. In doing so, you will assess written submissions and /or hear evidence presented by the parties to an application.

Members are expected to communicate well with people from diverse backgrounds, seeking and listening to the views of others, participating in constructive debate and make objective, considered decisions based on all the relevant facts.

Members are expected to have knowledge of the building legislation, be familiar with the jurisdiction of the BAB and understand the concept of natural justice.

### Time commitment

BAB members are expected to attend at least 75 per cent of all BAB meetings. This includes panel hearings to which they are appointed and any other BAB meetings. Members are expected to participate in generally two to three hearing days per month outlined by way of a roster. Directions Hearings normally take place on a Tuesday while Appeals and Modifications hearings normally take place on Thursdays commencing at 9am and generally run for up to four hours but may be of longer duration. All meetings and hearings may be heard held online, or in-person (easing of pandemic restrictions permitting) at the Victorian and Civil and Administrative Tribunal offices 55 King Street, Melbourne or at the BAB Hearing Rooms at Level 19, 242 Exhibition Street, Melbourne.

If applicants are appointed to other boards, they are expected to manage their time appropriately.

### Remuneration and expenses for BAB board members

Remuneration for eligible board members is set in accordance with the Victorian Government’s appointment and Remuneration Guidelines, under which BAB is classified as a Group B, Band 1 (sessional) body.

Remuneration is currently set at \$557 per sitting day for eligible members. Members’ travelling, and other allowances are at the rates that apply for employees of the Victorian Building Authority.

A copy of the Appointment and Remuneration Guidelines can be found by visiting:  
[www.dpc.vic.gov.au/index.php/policies/governance/appointment-and-remuneration-guidelines](http://www.dpc.vic.gov.au/index.php/policies/governance/appointment-and-remuneration-guidelines)

### Remuneration and expenses for BAB Chair

Remuneration for the BAB Chair is subject to an alternative funding agreement which will be discussed further with the preferred candidate, upon them being selected as, and consenting to be, the recommended appointee as Chair.

### Term of appointment

In accordance with Schedule 3 to the Building Act, BAB members may be appointed for up to three years and are eligible for reappointment.

## POSITION DESCRIPTION

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For 2025, the Minister for Planning is seeking nominations from suitably qualified and experienced persons to fill approximately 53 positions on BAB. The positions available are:

- Chair – one position
- Deputy Chair – one position
- Members with building industry qualifications and experience in the following areas:
  - Law – up to 14 members (including chair and deputy chair)
  - Building surveying – up to 13 members
  - Quantity surveying – one member
  - Building practitioner – up to four members
  - Mechanical engineering – up to two members
  - Fire safety engineering – up to six members
  - Structural engineering – up to four members
  - Electrical engineering – one member
  - Architecture – up to three members
  - Town planning – up to four members
  - One member to represent the interests of users of the services of building practitioners.

### Chair

The Chair is responsible for ensuring the cohesive operation and smooth running of BAB, providing decisive leadership, strategic and operational oversight, with a deep understanding of the legal issues affecting BAB including the appeals of BAB determinations to the Supreme Court. The BAB Chair is also primarily accountable for ensuring each and every panel convened comprises members possessing the knowledge and skills commensurate to determine the matter before it.

To be considered for this position, applicants must be a current member of BAB [or experience in an equivalent / similar high-level quasi-judicial environment], with legal qualifications or experience, and possess the following qualities:

- A strong reputation as a leader
- Exemplary levels of professional credibility and integrity

- Excellent communication skills
- An in-depth knowledge of the Victorian building industry combined with a commitment to the betterment of the industry
- Ability to demonstrate knowledge and experience in public administration and corporate governance at senior management or executive level.

### **Australian Lawyer**

Applications are being sought from Australian lawyers of at least five years standing. The successful candidates will have a sound knowledge of the building industry and the building regulatory framework together with strong administrative law experience.

### **Building industry experience**

Candidates are expected to possess considerable experience in or related to the building industry and have an established understanding of building control matters. Applications with qualifications (including Registration as a Building Practitioner in Victoria) or extensive experience in one or more of the following areas are sought:

#### *Building (Domestic)*

Candidates must hold a current registration as a building practitioner in the category of Domestic Builder (Unlimited) with the Victorian Building Authority and be able to demonstrate substantial knowledge acquired through training, study or equivalent experience, with a minimum of ten years managing and undertaking construction of domestic buildings. In addition to tertiary building qualifications (or commensurate experience), candidates will have extensive knowledge of the Australian Standards applicable to domestic building activities and be familiar with relevant legislation including the Building Act 1993, Building Regulations and the Building and Construction Industry Security of Payment Act 2002. Candidates must also have the capacity to demonstrate a sound working knowledge of Volume II of the National Construction Code series and possess a broad working knowledge of various types of construction components, systems and methodologies; including protections works and the contracts currently used in domestic building. Successful candidates will be expected to undertake continuing professional development (CPD) throughout their term of appointment and, critically, candidates must have the ability to draft determinations, drawing upon their up-to-date working knowledge of domestic building practices.

#### *Building (Commercial)*

Candidates must hold a current registration as a building practitioner in the category of Commercial Builder (low-rise work or higher) with the Victorian Building Authority, and be able to demonstrate substantial knowledge acquired through training, study or equivalent experience, with a minimum of ten years' experience in a commercial building context. In addition to tertiary building qualifications (or commensurate experience), candidates will have extensive knowledge of the Australian Standards applicable to domestic building activities and be familiar with relevant legislation including the Building Act 1993, Building Regulations and the Building and Construction Industry Security of Payment Act 2002. Candidates must also have the capacity to demonstrate a sound working knowledge of Volume I of the National Construction Code) series and possess a broad working knowledge of various types of construction components, systems and methodologies; including protections works and the contracts currently used in commercial building. Successful candidates will be expected to undertake continuing professional development (CPD) throughout their term of appointment and, critically, candidates must have the ability to draft determinations, drawing upon their up-to-date working knowledge of commercial building practices.

#### *Building Surveying*

Candidates are required to hold qualifications in building surveying (minimum Diploma in Building Surveying), be a registered building surveyor and have a minimum of ten years' experience. Postgraduate

qualifications in a related discipline are also highly desirable, as is knowledge and experience in Protection Works. Candidates must be able to demonstrate that they have extensive knowledge and experience in the interpretation, application, administration and enforcement of the Building Act, Building Regulations, the Building Code of Australia (BCA), incorporating the National Construction Code, and other legislation that supports the safety and amenity of the built environment. Candidates must also be able to demonstrate experience and high-level technical knowledge in the construction and inspection of buildings, an in-depth knowledge of the responsibilities of a municipal building surveyor, with the ability to provide guidance round building permits, notices, orders and dispensations, and the ability to assess plans for BCA Compliance.

#### *Civil / Structural Engineering*

Candidates are required to have a Bachelor of Engineering, with accreditation through Engineers Australia and have a minimum of ten years' experience. Postgraduate qualifications in civil /structural engineering are also highly desirable. Candidates must be able to demonstrate that they have significant experience leading or supporting a broad range of projects, are fully conversant with the relevant Australian Standards, familiar with local regulations, and have a working knowledge of contemporary software tools and associated systems.

#### *Town / Urban Planning*

Candidates are required to hold formal qualifications in Town or Urban planning and have at least ten years' experience, including extensive Statutory Planning experience, with a detailed understanding of relevant legislation, local Council processes and procedural matters through preparation of planning applications reports and appeals submissions. An appreciation of the social, economic, aesthetic and environmental impacts of planning decisions is essential, as is preparation/provision of specialist technical advice in areas as varied as disputes between adjoining neighbours, complex land use and development proposals. Experience as a witness or expert before BAB or VCAT would be highly desirable.

#### *Consumer Interests Advocacy / Representation*

Candidates should hold qualifications in social sciences, law or a building-related discipline, with a minimum of ten years' experience working in consumer advocacy, specialising in building-related matters, or in building with a passion for consumer interests. A postgraduate qualification in mediation or dispute resolution would also be viewed favourably. Candidates are expected to be familiar with the Building Act 1993, the Domestic Building Contracts Act 1995, 'consumer guarantees' in the Australian Consumer Law, the Building and Construction Industry Security of Payment Act 2002, and a good working knowledge of other consumer information and dispute resolution sources, such as informal mediation, eligibility for legal aid, Consumer Affairs Victoria, Domestic Building Disputes Resolution and VCAT.

#### *Quantity Surveying*

Candidates are required to hold tertiary qualifications in quantity surveying (QS) and possess a minimum of fifteen years' experience in the field. They must be a registered quantity surveyor and an accredited member of the Australian Institute of Quantity Surveyors (AIQS). Candidates must be able to demonstrate that they have extensive knowledge and experience in general QS principles, estimating and cost management, particularly all-round experience in contract administration. Candidates must also be able to demonstrate experience and high-level technical knowledge in all spheres of the construction and property industry.

#### *Fire Safety Engineering*

Candidates are required to have a formal fire safety engineering, (post-graduate) qualification in fire engineering, be a Victorian Registered Building Professional (RBP) in the category of Fire Safety Engineering and, preferably, be registered on the National Engineers Register (NER) as a Fire Safety Engineer.

Candidates must have at least eight years' Australian experience, undertaking the development and assessment or review of Performance Solutions for complex structures across a broad range of industry categories. Candidates must be able to demonstrate an in-depth knowledge of the engineering tools and software available to undertake fire engineering assessments and reports:

- International Fire Engineering Guidelines (IFEG) subsystems
- Computational Fluid Dynamics (CFD)
- Occupant evacuation (static calculations and dynamic modelling)
- Structural fire engineering principles
- Fire safety systems (passive and active)
- Fire Brigade Intervention.

## MEMBERSHIP OF THE BAB

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BAB may comprise as many members as considered necessary to hear and determine the matters before it. Appointments to BAB are made by the Governor in Council on the recommendation of the Minister for Planning. The composition of BAB is specified in section 166(3) of the Building Act.

BAB is supported by the Registrar, Mr Luke Godfrey and Registry staff.

### Legislative context

Board members are public officials under the Public Administration Act 2004 (PAA) and are bound by the public sector values of responsiveness, integrity, impartiality, accountability, respect, leadership and human rights, as expressed in the Code of Conduct for Directors of Victorian Public Entities.

A copy of the Code of Conduct for Directors of Victorian Public Entities can be found by visiting:

<http://vpsc.vic.gov.au/resources/code-of-conduct-for-directors>

### Accountability and key relationships

BAB is accountable to the Minister for Planning who is accountable to Parliament and the community for the performance of BAB.

In overseeing the performance of BAB, the Minister for Planning is supported by the Department of Transport (DTP). The Secretary, DTP is responsible for providing oversight, advice and support to BAB and other public entities within the portfolio, and for advising the Minister on matters relating to BAB.

### Conduct of Members

Members are always expected to behave in a professional manner, acting with integrity, identifying and appropriately managing any possible conflicts of interest, and earning the trust and respect of others and comply with disclosure requirements. In performing their role, board members must conduct themselves in a manner that is consistent with the duties in the PAA, requiring a person to:

- Act with honesty and integrity
- Act in good faith in the best interests of the public entity
- Act fairly and impartially
- Use information appropriately
- Use their position appropriately
- Exercise due care, diligence and skill
- Comply with the establishing legislation
- Demonstrate leadership and stewardship.

## INFORMATION ABOUT RELEVANT GOVERNMENT POLICIES

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The Victorian Government's Appointment and Remuneration Guidelines outline policies relevant to board and committee membership, which include the following:

### *Representation of women*

It is Victorian Government policy that no less than 50 per cent of all new appointees to paid Government boards and Victorian courts will be women.

### *Encouraging Diversity*

The Victorian Government is committed to ensuring that board appointments reflect the rich diversity of the Victorian community. Appointments to Victorian Government entities should, as far as practicable, reflect that diversity. We strongly encourage applications from women, Aboriginal and Torres Strait Islander people, people with disability, people from culturally and linguistically diverse backgrounds, LGBTIQ+ individuals, and people of all ages and lived experiences. We value the unique perspectives, skills, and contributions that diversity brings to effective governance and decision-making.

### *Reappointment*

Candidates being considered for reappointment undergo the same open and competitive selection process as candidates who have not previously served on the board.

### *Multiple boards*

An individual should not hold positions on more than three public sector boards at any one time.

### *Victorian residents*

It is preferred that appointees reside in Victoria, so that they act in the best interests of the State.

### **Public sector employees - remuneration**

Public sector employees are not eligible for remuneration in circumstances where board membership is a requirement of their substantive position.

Public sector employees may be eligible for remuneration only in circumstances where the proposed appointment is on a personal basis and the work required for the board will be undertaken in their own time or during periods of approved leave.

Remuneration of executive level or equivalent public sector employees requires written approval from the Secretary, DTP.

## INFORMATION AND FORMS TO BE PROVIDED BY APPLICANTS

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### **How to apply**

*Applicants are required to:*

- Register on Get on Board
- Upload a current curriculum vitae
- Complete an online Declaration of Private Interests
- Complete the application form outlining relevant skills, experience and personal information.

Applicants shortlisted for an interview will be subject to the following probity checks/requirements, prior to their appointment:

- National Criminal Record Check

- Australian Securities & Investment Commission register of person’s banned and disqualified check
- Australian Financial Security Authority and National Personal Insolvency Index check
- Completion of a “Conflict of Interest Action Plan”.

## OTHER RELEVANT INFORMATION

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Several resources are available which may assist applicants in understanding the requirements of the role of a board member and the public sector environment.

- The Victorian Public Sector Commission’s website provides further governance and policy information for candidates and public sector board members: (<https://vpssc.vic.gov.au/support-for-board-directors/>) (<https://vpssc.vic.gov.au/html-resources/integrity-guide-for-new-board-directors/>)
- The Appointment and Remuneration Guidelines outline the standard processes and principles for appointing and remunerating board members of non-departmental entities in Victoria. ([www.dpc.vic.gov.au/index.php/policies/governance/appointment-and-remuneration-guidelines](http://www.dpc.vic.gov.au/index.php/policies/governance/appointment-and-remuneration-guidelines))
- The Public Board Appointments Victoria website lists the current members of most major boards. ([www.publicboards.vic.gov.au](http://www.publicboards.vic.gov.au)).

The Government and its representatives cannot advise board members on their personal liabilities and responsibilities, which are often complex. Individuals should seek independent legal advice and obtain more detailed information from other sources.

### *Privacy and Probity:*

The department affirms that the collection and handling of applications and personal information will be consistent with the requirements of the Privacy and Data Protection Act 2014.

If you would like to receive this information/publication in an accessible format (such as large print or audio) please email [building\\_governance-team@transport.vic.gov.au](mailto:building_governance-team@transport.vic.gov.au)