

VBA Position Statement

The VBA will take a common-sense approach when determining if a practitioner has contravened sections 169H or 169I of the *Building Act 1993 (Vic)* (Act).

Advertisements or written statements with an offer to carry out domestic building work

Section 169H of the Act and the supporting regulations require registered building practitioners to ensure their name and registration number are clearly legible on any published advertisements or written statements in which the practitioner offers to carry out domestic building work.

Where a practitioner has multiple registrations (either as an individual, company or both), it is the responsibility of the practitioner to ensure that the advertisement or written offer includes the registration number relating to the person or company proposed to enter the contract to undertake the building work. The building practitioner is best placed to identify the appropriate contracting person or company.

The VBA will take the following position when monitoring compliance with this requirement:

- Registered building practitioners are expected to include their registration number on any published advertisement (including in print or online) or written offer to carry out domestic building work. This will include advertisements in newspapers, online or on social media, printed brochures / flyers and any written quote to carry out domestic building work.
- The VBA does not expect registered building practitioners to include registration numbers on other collateral that does not amount to advertising. Such collateral may include business cards or items including a company logo (eg pens, uniforms).

Practitioners are advised to exercise judgement when producing or publishing material that relates their business. The actions of a practitioner or the context in which materials are used may change the nature of a written statement which will attract the requirement for the inclusion of a building practitioner's registration number.

Advertisements and statements of partnerships

Section 169I of the Act and the supporting regulations require registered building practitioners carrying out business as member of a partnership with a person who is not a registered builder to ensure any published advertisements or written statements about the business legibly include the name and registration number of the partner that is a registered practitioner.

The obligations relating to advertising or written statements on practitioners carrying on business as a member of a partnership are broader – these practitioners must include their registration number on all advertisements and written statements relating to their business.