

## LEGISLATIVE ASSEMBLY

## CLADDING SAFETY VICTORIA BILL 2020

(Amendment and New Clauses to be moved by Ms D'Ambrosio)

1. Clause 44, page 33, after line 19 insert—
  - "(ab) despite paragraph (a), have a retrospective effect to 1 January 2020 for or with respect to the calculation of the building permit levy; and".
2. Insert the following New Clauses to follow clause 57—

**'57A Building permit levy must be paid**

After section 205G(2C) of the **Building Act 1993** insert—

"(2D) In the case of a building permit for which the building work relates to more than one class of building, and those classes of building include one or more class of building referred to in section 205G(2A) and a class 1, 9 or 10 building, the levy paid under subsection (2A) and calculated under subsection (2B) or (2C) must not include an amount that relates to the class 1, 9 or 10 building."

**57B Building permit application must contain information about cost of building work**

(1) After section 205H(1) of the **Building Act 1993** insert—

"(1AA) An application for a building permit must also specify the following—

- (a) whether the building work relates to more than one class of building;
- (b) if the building work relates to more than one class of building—each class of building;
- (c) if the building work relates to more than one class of building, and those classes of building include one or more class of building referred to in section 205G(2A) and a class 1, 9 or 10 building—
  - (i) the cost of the building work that relates to the class or classes of building referred to in section 205G(2A); and
  - (ii) the cost of the building work that relates to the class 1, 9 or 10 building."

(2) In section 205H(2) of the **Building Act 1993**, for "subsections (1) and (1A)" **substitute** "this section".

**57C Relevant building surveyor must refuse a permit in certain circumstances**

In section 205HA(b)(i) of the **Building Act 1993**, after "205H(1)(b)" insert ", (1AA)(c)".

#### **57D Calculation and notification of levy**

After section 205I(3) of the **Building Act 1993** insert—

"(4) In addition to subsections (1) and (2), for the purposes of the building permit levy payable under section 205G(2A), if an application is for a building permit in respect of which the building work relates to more than one class of building, and those classes of building include one or more class of building referred to in section 205G(2A) and a class 1, 9 or 10 building—

(a) the relevant building surveyor must—

(i) estimate the cost of the building work (including the cost of labour and material) that relates to the class or classes of building referred to in section 205G(2A) and for which the building permit is sought, having regard to the information given under section 205H(1AA); and

(ii) estimate the cost of the building work (including the cost of labour and material) that relates to the class 1, 9 or 10 building and for which the building permit is sought, having regard to the information given under section 205H(1AA); and

(b) the Authority must—

(i) calculate the amount of building permit levy payable under section 205G(2A) in respect of building work that relates to the class or classes of building referred to in section 205G(2A); and

(ii) give the applicant written notice of the amount calculated under subparagraph (i).".

#### **57E Authority may reassess levy after building permit issued**

(1) In section 205L(1)(b) of the **Building Act 1993**, after "205I(1)" insert "or (4)".

(2) In section 205L(1)(c) of the **Building Act 1993**, after "205H(1)" insert "or (1AA)".

#### **57F Authority to give notice of refund**

In section 205LBA(1) of the **Building Act 1993**, for "205L(1A)(b) or (c)" substitute "205L(1)(b) or (c) or (1A)(b) or (c)".'

3. Insert the following New Clause to follow clause 58—

#### **'58A New section 277A inserted**

After section 277 of the **Building Act 1993** insert—

**"277A Transitional provision relating to the building permit levy**

- (1) The amendments made to this Act by sections 57A, 57B, 57C, 57D, 57E and 57F of the **Cladding Safety Victoria Act 2020** apply to the calculation of the building permit levy as if those sections had been in operation on and after 1 January 2020 and for that purpose those sections are taken to have been in operation on and after 1 January 2020.
- (2) The Authority may request an applicant for a building permit or a relevant building surveyor to provide any information that it considers necessary to assist in the reassessment and refund of any building permit levy."!