

APPENDIX

Additional explanatory information about owner requests for additional certifying functions and inspection documentation

Within 10 business days of the owner receiving notification that a private building certifier has been engaged to carry out building certification functions on their assessable building work (form 18), the owner may give an additional certification notice (Form 33 can be used as this notice) to the client as a direction to ask the building certifier to perform additional certification functions.

Within five business days after receiving the additional certification notice (Form 33) the client must give a copy of the notice to the building certifier engaged for the building assessment work.

Section 143B(5) of the *Building Act 1975* requires the building certifier to perform any additional certification inspections stated in the additional certification notice on or before the agreed day, unless the certifier has a reasonable excuse.

The building certifier is not required to do the inspection if the owner decides to withdraw the additional certification notice (refer to section 143B(9) before the agreed day is determined or nominated).

The agreed day

The *agreed day* is defined under section 143B(11) of the *Building Act 1975* as the day agreed to by, or worked out under an agreement between the client (e.g. the builder), the building certifier, the owner and the builder (if not the client) for the work that is the subject of the additional certifying function to be undertaken by the building certifier.

If the agreed day is not decided within 10 business days after the day the client gives a copy of the additional certification notice (the relevant day) to the building certifier, then the building certifier must nominate the agreed day or the way to determine the agreed day.

For instance, if such an agreement cannot be reached, within 15 days after the relevant day (10 days after the client gives a copy of the additional certification notice to the building certifier) then the building certifier must either **nominate a day**, or a **way to determine the agreed day** and then inform the client and owner. For example, the certifier may nominate the way to determine the agreed day is within two days of the date when the client contacts the building certifier and tells them the building work the subject of the additional certifying notice is ready to be inspected.

Note: the owner cannot request additional certifying functions if the building certifier for the work was engaged to inspect the building work before 1 October 2020.

Cost of additional inspections

Under section 143B of the *Building Act 1975* the owner is liable for the reasonable costs of the performance of any additional inspections of assessable building work described in the additional certification notice. The building certifier will determine a reasonable cost to carry out any additional certifying functions.

THIS IS INFORMATION ABOUT THE RESPONSIBILITIES OF YOUR PRIVATE CERTIFIER

A private certifier has been engaged to approve and inspect building work on your land. This section outlines the role of a private certifier and where you can obtain more information.

What is a private certifier?

A private certifier can approve and inspect building work in the same manner as the local council. A private certifier is engaged under a written contract with the person who made the application. This may be the building designer, the builder or the property owner. Once hired, a private certifier must also notify the local council within five business days if engaged by the owner, and within 15 business days if engaged by the client.

Private certifiers are licensed to practice by the Queensland Building and Construction Commission and must abide by State legislation and Code of Conduct. The Code and the laws require a private certifier to act in the public interest above all other obligations under the *Building Act 1975*. The certifier must not take action that would compromise the health and safety of any person, the amenity of their property or significantly conflict with a local council's planning scheme. The Code also sets out standards of conduct and professionalism expected from certifiers.

When can a private certifier issue an approval?

A private certifier cannot issue an approval until other necessary approvals, such as town planning approval by the council, have been given, and copies of relevant documents are lodged with the council for archiving.

What does a private certifier do?

A private certifier can perform the following functions:

- assess whether proposed building work complies with acceptable health and safety standards called up by building legislation (i.e. Building Code of Australia)
- issue approval for the building work
- carry out inspections to determine if the building complies with building legislation and any conditions they impose on the approval
- issue a final inspection certificate for the building work
- take any necessary action to ensure the building work complies with the legislation
- any additional certifying function/s requested by the owner under an additional certification notice (i.e. Form 33 – Additional certification notice).

Where the building work involves a detached house or ancillary buildings such as a garage or shed, the private certifier must send a copy of the development approval and approved plans to the owner.

What inspections will be done?

The required inspections will be shown on the development approval. For houses the following mandatory inspections must be undertaken:

- foundation and excavation (before the footings are poured)
- slab (before the concrete is poured)
- frame (before the cladding or lining is fixed or for reinforced masonry construction, before the wall cavities are filled)
- final (at the completion of all aspects of the building work)
- any additional certifying function/s requested by the owner under an additional certification notice (i.e. Form 33).

For alterations including additions to a house, inspections must be undertaken for each stage of the building work that applies to the alteration.

For private garages, carports and sheds an inspection is required at the final stages of construction. For swimming pools and required fencing, an inspection must be carried out and the fence certified before the pool is filled with water to a depth of 300mm or more

The person carrying out the building work must give notice to the private certifier when an inspection is due. A private certifier or council certifier must carry out a pool fencing inspection. For the other inspections, the private certifier will either carry out inspections personally or appoint competent persons to inspect and approve aspects of work.

For Class 1 and 10 buildings or structures, when the final inspection is complete, the building certifier must provide the owner with a final inspection certificate and any other inspection documentation for inspection of the building work. A copy will be given to the local council at the completion of the building work.

For all other classes of buildings, a certificate of occupancy must be provided to the owner when the building certifier considers that the work is substantially complete.

Owner request for inspection documentation

At any time before the inspection of the final stage of assessable building work the owner of the building may ask the building certifier for a copy of any inspection documentation for any previous stages of building work. To request inspection documentation the owner must complete the approved Form 35 – Building owner request for inspection documentation and provide it to the building certifier for the assessable building work.

The building certifier must, within five business days after receiving Form 35 give the owner the requested inspection documentation.

Note: the owner cannot request inspection documentation for building work if the building certifier for the work was engaged to inspect the building work before 1 October 2020.

Who is responsible for the standard of work?

Both the building contractor and owner are responsible for ensuring building work is carried out to a standard of quality and finish required by the owner under the conditions of contract. The private certifier is not responsible for standards of workmanship higher than the acceptable health and safety standards called upon by State legislation.

What is the State legislation?

Planning Act 2016 – establishes an efficient, effective, transparent, integrated, coordinated, and accountable system of land use planning, development assessment and related matters that facilitates the achievement of ecological sustainability.

Building Act 1975 – regulates building development approvals, building classification, swimming pool safety and sustainable buildings in Queensland as well as the licensing, auditing and compliance requirements of building certifiers.

Building Regulation 2006 – prescribes requirements for building work, building certifiers, inspections of building work, appointments of competent persons and cadets and pool safety inspectors, prescribes accepted development and the Queensland Development Code Parts and other requirements subordinate to the *Building Act 1975*.

- *Queensland Building and Construction Commission Act 1991* – regulates the building industry, regulates and provides remedies for defective building work, investigates complaints including about building certifiers and QBCC licensees, regulates domestic building contracts and provides advice, supports and educates those undertaking building work and consumers.

State legislation can be accessed at www.legislation.qld.gov.au.

Where can I get further information?

Further information about the performance of a private certifier and the obligations of a building are available from the Queensland Building and Construction Commission. The Queensland Building and Construction Commission can be contacted by submitting a general enquiry at <https://my.qbcc.qld.gov.au/s/contactsupport> or by calling 139 333.

Further information about State government legislation and the Code of Conduct for private certifiers is available from the [Business Queensland website](#).