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INSPECTION OF BUILDING WORK BY *COMPETENT PERSONS*

The Issue

A number of enquires has been received regarding the carrying out of inspections of building work by *competent persons* under the new building legislation.

For example-

- aspects of the building work may be outside the competence of the building certifier; or
- excessive travel distances or other circumstances could make inspections by the certifier impracticable, in which case it would be appropriate to utilise the services of a *competent person*.

Building Act and Standard Building Regulation

The *Standard Building Regulation* requires mandatory inspections to be carried out on houses, domestic sheds and swimming pools. The purpose of the inspections is to decide if the particular stage of the building work is generally in accordance with the regulation.

While it is not mandatory for inspections to be carried out on class 2 to 9 buildings, sufficient inspections will be necessary to satisfy the building certifier the building work has been constructed generally in compliance with the regulation so a certificate of classification can be issued.

Inspections can be carried out by the accredited building certifier responsible for the approval, or the building certifier can accept a certificate of inspection from a *competent person* for any aspect of building work.

Competent Persons

The following provisions in the *Standard Building Regulation* relate to *competent persons*

- Section 5 contains the definition of *competent person*. It requires the building certifier to be satisfied that the person who is to give the certificate is competent to practice in respect of the aspect of the work involved, and if applicable, is registered or licensed. For example, an engineer engaged as a *competent person* must be registered as a professional engineer in Queensland, and a builder must be licensed with the Queensland Building Services Authority.

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- Section 23(1) permits a *competent person* to certify that a material, system, method of building etc will, if installed or carried out in accordance with the certification, comply with the regulation.
- Section 23(2) allows a *competent person* to certify that a component of building work has been built in accordance with the approval and complies with the regulation.
- Section 23(3) allows the assessment manager or building certifier to accept in good faith and, without further checking, rely on the certification.
- Section 23(4) requires the *competent person* to set out in detail the basis for giving the certificate and the tests, specifications, standards etc the person has relied on.
- Section 23(5) requires the certifier to accept the form of the certificate if it is given in the approved form.
- Section 24 requires the name and original signature of the *competent person* on the certificate.
- Section 86 requires the building certifier to inspect building work either personally or by accepting a certificate of inspection from a *competent person*. The certifier must assess the competency of the person prior to the inspection being carried out. When a building certifier agrees to accept certification from a *competent person*, the certifier must ensure the drawings and specifications are sufficiently detailed commensurate with the level of skill and competence of the person.

Competent persons could include:

- structural engineers certifying the construction of structural components;
- mechanical engineers certifying the construction of air-handling systems;
- electrical engineers or specialist electricians, certifying the installation of fire detection and alarm systems;
- hydraulic consultants certifying the construction of plumbing systems;
- tradespersons certifying compliance of components of construction within the skill and expertise of the tradesperson;
- building certifiers certifying compliance with the *Standard Building Regulation* of components of construction.

Rural and remote areas

In rural and remote areas, it may not be practicable for the building certifier to undertake inspections personally due to excessive travel distances or other circumstances.

The certifier would therefore accept a local *competent person* to undertake the inspections. The qualifications and experience of the *competent person* would need to be appropriate taking into account the complexity of the building work involved. For example, it may be appropriate to accept certification from a registered builder for domestic construction or work of a similar scale. It may be reasonable to accept a certificate from the licensed builder undertaking the work. The standard of documentation and level of detail required may, however, need to be greater in these circumstances so the builder has all the information needed to ensure compliance with the development approval.

