

This form is to be used for the purpose of section 54(1), (2) and (4) of the Building Regulation 2021 (BR 2021) when a stage of assessable building work does not comply with the building development approval.

The form is to be completed by the building certifier for the work and given to the builder.

Explanatory information relevant to completion of this form is in the Appendix at the end of this form.

NOTE	Notice to builder from the certifier or competent person that work does not comply
<p>1. Builder details</p> <p>If the builder works for a company, a contact person must be shown.</p>	<p>Name <i>(in full)</i></p> <p>.....</p> <p>Company name <i>(if applicable)</i> Contact person</p> <p>.....</p> <p>Business phone number Mobile number</p> <p>.....</p> <p>Email address</p> <p>.....</p> <p>Postal address</p> <p>.....</p> <p>..... State Postcode</p>
<p>2. Property description</p> <p>The description must identify all land the subject of the application.</p> <p>The lot and plan details (eg. SP/RP) are shown on title documents or a rates notice.</p> <p>If the plan is not registered by title, provide previous lot and plan details.</p>	<p>Street address <i>(include number, street, suburb/locality and postcode)</i></p> <p>.....</p> <p>..... State Postcode</p> <p>Lot and plan details <i>(attach list if necessary)</i></p> <p>.....</p> <p>Local government area the land is situated in</p> <p>.....</p> <p>Building certifiers reference number Building development approval number</p> <p>.....</p>

3. Noncompliance

Why the following stages do not comply with the building development approval.
Only the building certifier is authorized under section 54 to give a Form 61 - Noncompliance notice.

Indicate the stage/s that do not comply

State reasons for non-compliance

Signature

Date

4. Building certifier

If the certifier works for a company, a contact person must be shown.

Name *(in full)*

Company name *(if applicable/local government if the assessment manager)*

Contact person for a company

Business phone number

Mobile number

Email address

Postal address

State Postcode

Licence number

LOCAL GOVERNMENT USE ONLY

Date received		Reference number/s	
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Appendix – explanatory information

Who can complete this form? (section 54(1) and (2) of the BR 2021)

Only a building certifier who is also the inspecting person can complete a noncompliance notice.

When is a noncompliance notice issued? (section 54(2) and (4) of the BR 2021)

If the inspecting person is a building certifier, and they are not satisfied the stage of work complies with the building development approval then they must give the builder a noncompliance notice (**Form 61**).

Further if the building certifier receives a notice – **Form 62 – Notice a stage of work is not compliant** (approved form) from the inspecting person, who is the appointed competent person, and the building certifier is not satisfied the stage of work has been rectified or does not comply with the building development approval they must issue a noncompliance notice (Form 61) to the builder.

What happens if the builder receives a noncompliance notice (Form 61)? (section 55 of the BR 2021)

If a builder for assessable building work is given a noncompliance notice for a stage of work, they must perform the work, as stated in the notice to ensure the stage of work complies with the building development approval. After the work is completed, as stated in the notice, the builder must give the building certifier a notice for inspection for the stage.

If the building certifier is satisfied the stage of work is compliant then they will issue a **Form 16 – Inspection certificate**.

What happens if the builder does not comply with the noncompliance notice? (section 56 of the BR 2021)

If the builder does not perform the work stated in the noncompliance notice or they fail to give the certifier a notice of inspection, the building certifier (issuing authority) must take enforcement action against the builder.

The issuing authority can be either a private certifier or local government. If the issuing authority gives the builder and enforcement notice and the builder does not comply with the enforcement notice, the issuing authority must notify the QBCC of the builder's noncompliance. If the issuing authority is a private certifier they must also give the enforcement notice to the relevant local government.

Note: under the *Building Act 1975* the building certifier is the accountable person for the certification of a building and are the enforcement authority until they issue the final certificate or certificate of occupancy for the building.

Appeal rights (table 3, Schedule 1 of the *Planning Act 2016*)

The builder can appeal for a notice i.e. a Form 61 or enforcement notice to the Development Tribunal.

Competent person (section 10 of the *Building Act 1975* and Part 6 of the BR 2021)

A building certifier must assess and decide to appoint an individual as a competent person before they can, as a competent person, give design-specification help. The building certifier is required to keep detailed records about what was considered when appointing a competent person.

A competent person cannot give inspection help to a building certifier until they have been appointed by the building certifier. For further information about assessment of someone as a competent person refer to the **Guideline for the assessment of competent persons**.

Inspection help (section 34 of the BR 2021)

A building certifier must be satisfied that an individual is competent to give the type of inspection help having regard to the individual's experience, qualifications and skills and if required by law to hold a licence or registration, that the individual is appropriately registered or licensed.

For further information about conducting inspections for class 2 to 9 buildings, refer to the **Guideline for inspection of class 2 to 9 buildings**.

For further information about conducting inspections for detached class 1a and 10 buildings or structures refer to the **Guideline for inspections of class 1 and 10 buildings and structures**.

Note: all building forms are published on the [Business Queensland website](#).

PRIVACY NOTICE

The Department of Energy and Public Works is collecting personal information as required under the *Building Act 1975*. This information may be stored by the Department, and will be used for administration, compliance, statistical research and evaluation of building laws. Your personal information will be disclosed to other government agencies, local government authorities and third parties for purposes relating to administering and monitoring compliance with the *Building Act 1975*. Personal information will otherwise only be disclosed to third parties with your consent or unless authorised or required by law.