

THE ASSESSMENT OF COMPETENT PERSONS

Purpose

The purpose of this News Flash is to advise on the assessment of a person's qualifications, skills and experience to perform in the role of a competent person.

Background

A building certifier is permitted to accept certification that building work is complying, to the extent that such compliance is certified by a competent person. A competent person is an individual or entity who in the opinion of the building certifier is competent to practice in the aspect of the design, building or inspection of the building work concerned, because of their skill and experience in that aspect. Before accepting such certification, the building certifier must be satisfied the person providing it is competent to practice in respect of the work concerned and if required by law, they must be registered or licensed as the case may be.

Certification by a competent person is intended to apply to the assessment of those elements of building work which are outside the expertise of the building certifier, or can be assessed by another person.

Assessing the competence of a competent person

When assessing whether a person has the appropriate skills and experience to perform in the role of a competent person, the following matters should be considered:

1. *What aspects of building work are to be certified and what is the extent of the certification?*

Certifiers must ensure the competence of a competent person is appropriate to the extent of certification being provided. For example, a certificate from a competent person may be certifying the structural adequacy of footings and boundary clearance compliance. The competent person must be competent to inspect and certify both aspects of building work and have a thorough knowledge of the relevant requirements of the Standard Building Regulation (SBR).

2. *Is the person required to be registered or licensed under the Law?*

To practice in certain aspects of designing, building or inspecting building works, some practitioners are required to be registered or licensed under various laws applying in Queensland. Examples of practitioners required to be registered or licensed include:

- An engineer registered as a professional engineer (RPEQ) with the Board of Professional Engineers, Queensland, under the *Professional Engineers Act 1998*;



- An architect registered by the Board of Architects under the *Architects Act 1985*;
- A specialist tradesperson licensed by the Queensland Building Services Authority (BSA) under the *Queensland Building Services Authority Act 1991*. For example, a glazier, pest control operator, termite barrier installer, air-conditioning installer or residential waterproofer.

Under section 41 of the *Professional Engineers Act 1998*, it is an offence for a person who is not a registered professional engineer to undertake professional engineering services. A 'professional engineering service' is the provision of services requiring the understanding of scientific principles and quantitative expression of these principles through analytical mathematics.

Only a registered professional engineer should provide certification where the design or inspection of the elements of a building constituted a professional engineering service. For example, a large and/or complex air-conditioning system such as one forming part of a required smoke-control system within a building would require engineering analysis to certify both design and construction compliance. However, the installation of a simple system that did not require engineering analysis, such as a required mechanical ventilation system in a Class 1 building, could be certified by a person experienced in the installation of such systems, and whom the BSA licenses.

Although an engineer may provide design certification of an element of a building, a person who is not an engineer may legitimately provide an inspection certificate for the element in certain cases. For example, an accredited building certifier would be competent to inspect and certify that the structural frame of a building complied with the design drawings prepared by an engineer. However, any departure from the design drawings would require certification by an engineer, preferably the design engineer.

3. *Is the person a member of a professional association whose members would be competent to certify that a particular aspect of building work meets the appropriate requirements of the SBR?*

Membership of such bodies may be an indication of the competence of a practitioner to be a competent person. These bodies have individual requirements that need be satisfied, which include the person having specific qualifications and a number of year's technical experience in a particular aspect of building work.

The management committee of the following bodies can be contacted for details of the level of competency of a member. These include:

- Institution of Fire Engineers Inc.....(Ph/Fax 07 3205 2370)
- Institution of Engineers, Australia (Qld Div).....(Ph 07 3832 3749)
- Association of Hydraulic Services Consultants Australia (Qld) Inc..(Ph 07 3876 0088)
- Fire Protection Contractors Registration Board of Queensland Inc...(Ph 07 3272 0263)
- Queensland Fire Protection Industry Association Inc.....(Ph 07 3209 8555)
- Glass and Aluminium Association of Queensland Inc.....(Ph 07 3209 8555)
- Wall and Ceiling Association of Queensland.....(Ph 07 3397 3028)
- Metal Roofing Industry Association of Queensland Inc.....(Ph 07 3252 1266)
- National Electrical Communication Association.....(Ph 07 3252 7488)
- Australian Institute of Refrigeration, Air Conditioning and Heating.(Ph 03 9328 2399)

The National Professional Engineers Register (NPER) as maintained by the Institution of Engineers, lists engineers in a number of areas of practice. This enables easy identification of the engineering field within which the competences of practitioners have been assessed. Fields relevant to the certification of aspects of building work include: - *Civil Engineering, Structural Engineering, Building Services Engineering, Electrical Engineering, Fire Safety Engineering and Mechanical Engineering.*

It should be noted that registration on NPER is not an alternative to registration as a RPEQ. The NPER should only be used to assist in the assessment of a RPEQ's competence. The NPER website address: <http://nper.isa.net.au/nper/> provides a full listing of qualified engineers. The Institution of Engineers can be contacted on Free call 1800 687 187.

Various building product manufacturers also accredit persons as installers of their products. These persons are required to meet specific standards of training as set by the particular manufacturer and if required, they must be licensed by the BSA.

4. *Has the person had specific experience in the type of work being certified?*

For example, it would not be appropriate for an engineer with limited expertise in structural analysis to certify the structural adequacy of a reinforced concrete building.

If the building certifier has doubts about the competent person's experience in the area of work being assessed, a resume should be requested detailing the competent person's experience including details of the types, sizes and locations of buildings previously assessed and the person's role in these projects.

5. *Will the person show objectivity in their decision-making?*

The building certifier should be careful of accepting certification from competent persons who may have questionable objectivity such as those certifying their own work. Whilst self-certification by a competent person is not unlawful, this practice is not considered to be desirable and should not be permitted to become standard practice. The exception to this would be self-certification -

- by members of professional associations whose professional conduct is subject to oversight by the professional association e.g. engineers designing and certifying their own work;
- by specialist tradespeople, where independent certification of construction would be impractical e.g. residential waterproofers; or
- in remote locations, where there is no alternative competent person and it is not cost-effective for a building certifier to inspect the works.

6. *Who should sign the certificate?*

Certificates provided by an individual should contain their personal signature. Certificates provided by an entity should contain the personal signature of an individual from the entity who is competent to practise in the aspect of the design, construction or inspection of the building work concerned.

There may be situations where an individual who carried out the design or inspection of the building work does not sign the certificate. The competent person signing the certificate should ensure the individual who carried out the design or inspection, has the appropriate skills and experience.

7. Documentation of reasons

Building certifiers should ensure that they maintain properly documented reasons for assessing a person as a competent person. This should provide an account of the decision that would explain how, and why the decision was made as it was. Building certifiers need to be able to demonstrate that they have acted in the public interest when forming an opinion or making a decision.

Previously issued information

You are referred to News Flash *Issues: 2, 10 and 19*, which contain previously issued information relating to the functions and responsibilities of competent persons under the SBR.

Please contact Mr Mike Harris on (07) 323 71703 should you require further information regarding these matters.