



# News Flash

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## Certificates of Classification

The purpose of this Newsflash is to address the following matters that relate to the issuing of certificates of classification.

1. Who issues a certificate of classification and what are the responsibilities of a private certifier when issuing a certificate?
2. Is “substantial completion” relevant to buildings constructed before 1976 where a certificate of classification has been requested?
3. Is a building certifier required to issue a certificate of classification for building work that involves the alteration/addition of tenancies in an existing building?
4. Is a building certifier required to issue a certificate of classification where there is no change of classification associated with the building work?
5. What happens in remote areas?
6. In relation to alterations to an existing building, what should a private certifier do if a non-complying aspect is apparent which impacts on the issuing of a certificate of classification?

### **Who issues a certificate of classification and what are the responsibilities of a private certifier when issuing a certificate of classification?**

A building certifier is responsible for issuing a certificate of classification. When preparing a certificate of classification, if there is doubt about the classification of the building, the building certifier is also responsible for determining the most appropriate classification after referring to Part A3 of the Building Code of Australia (BCA).

A private certifier can only issue certificates of classification for work in which they are directly involved. A private certifier cannot issue certificates of classification for existing structures (i.e., if they have not previously been issued by the local government).

For example, an existing commercial warehouse building has just had an extension completed. It is discovered that a certificate of classification to the existing portion has not been issued.



Queensland Department of  
Communication and Information,  
Local Government, Planning and Sport

Building Codes Queensland  
12th floor 111 George Street Brisbane Qld 4000  
PO Box 187 Brisbane Albert Street Qld 4002  
Telephone (07) 3237 1706 Facsimile (07) 3235 4586  
E-mail [Ron.Cowley@dcilqp.qld.gov.au](mailto:Ron.Cowley@dcilqp.qld.gov.au)

If the original portion was approved and constructed prior to 1 April 1976 (when the Queensland Building Act first came into force), section 101 of the SBR requires the assessment manager to issue the certificate of classification.

If the original portion was approved and constructed between 1 April 1976 and 30 April 1998 (when the SBR became a code for IDAS), section 6.1.23 of the IPA deems the approval to be a “continuing approval”. In this case any certificates that are issued, are done so as if the legislation in force when the building was completed still existed. This means that a certificate of classification is also required to be issued by the local government.

Therefore, in the above post 1976 example, the building certifier can only issue a certificate of classification for the portion of the work in which they are directly involved. The new work will need to comply with the relevant parts of the Building Act; applicable at the time the building work was completed, before the certificate can be issued.

### **Is “substantial completion” relevant to buildings constructed before 1976 where a certificate of classification has been requested?**

No. “Substantial completion” is only relevant where Section 98 of the Standard Building Regulation is applicable. The provisions relating to the issuing of certificates of classification for buildings built before April 1 1976 (when the Building Act came into force) are contained in section 101. This means that when the assessment manager issues a certificate of classification pursuant to section 101, the building does not have to be “substantially completed” as defined in section 92 of the regulation.

The intention of a certificate of classification issued pursuant to section 101 (i.e. buildings built before 1 April 1976) is to provide the building owner with a building classification for the purposes of A3 of the Building Code of Australia. It is not intended to infer the building is safe to occupy. The building owner has a duty of care to ensure this is the case.

### **Is a building certifier required to issue a certificate of classification for building work that involves the alteration/addition of tenancies in an existing building?**

Yes. Alterations, which require a development permit for building work, to the internal layout of an attached class 1 building or a class 2 to 9 building must have a certificate of classification issued upon substantial completion of the building work. The new certificate should detail the tenancy/tenancies that are the subject of the new building work.

The assessment manager must revoke any existing certificates of classification that relate to the work that is the subject of the development application. This does not mean that the assessment manager needs to revoke a certificate of classification that details numerous tenancies if only one of the tenancies is affected by the development application. Only the portion of the existing certificate of classification that is affected by the new work needs to be revoked. For example, if a new tenancy causes an exit that was needed prior to the change (to comply with the BCA) to be ineffective, the new certificate of classification should detail the new tenancy and the altered tenancy (refer to Fig A and Fig B).

“Revoking” the existing certificate may only require a notation, beside the relevant part, to the effect that a new certificate has been issued. A copy of the new certificate should also be attached to the file.

**Is a building certifier required to issue a certificate of classification where there is no change of classification associated with the building work?**

Yes. Section 98(2) of the Standard Building Regulation requires a certificate of classification to be issued upon “substantial completion” of the building (“building” is defined in the Building Act as including “any part of a building”). It doesn’t matter that there is no change of use. For example, adding a new office portion to an existing class 5 building or a shop tenancy fit out involving building work.

**What happens in remote areas?**

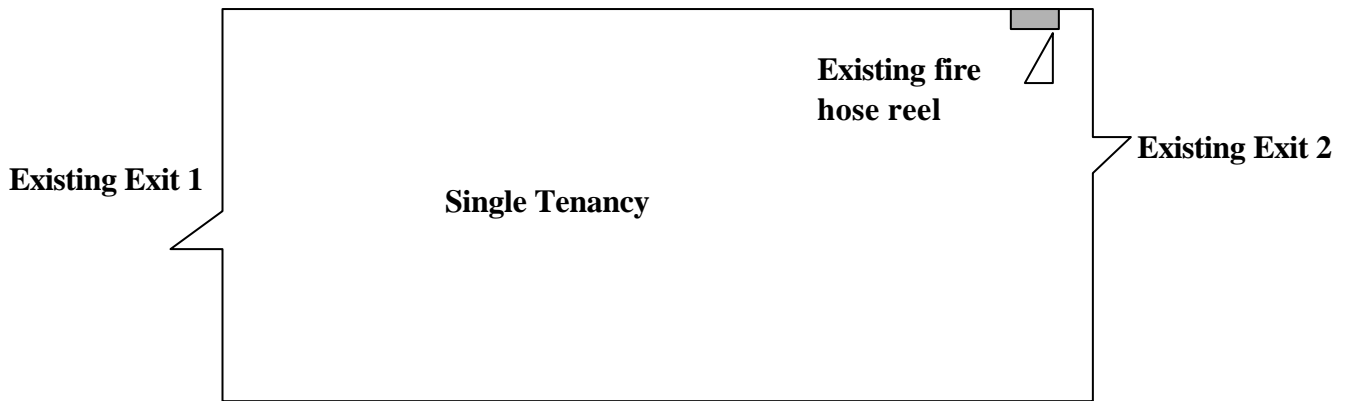
Section 99 of the Standard Building Regulation will allow an interim certificate of classification to be issued by reason of the remoteness of the location of the building if it is not practical to have it inspected by a building certifier within a reasonable time.

While there is no mandatory requirement that inspections be carried out before the interim certificate of classification is issued, it is recommended that the building certifier receive a report from a competent person that the building or part is substantially complete.

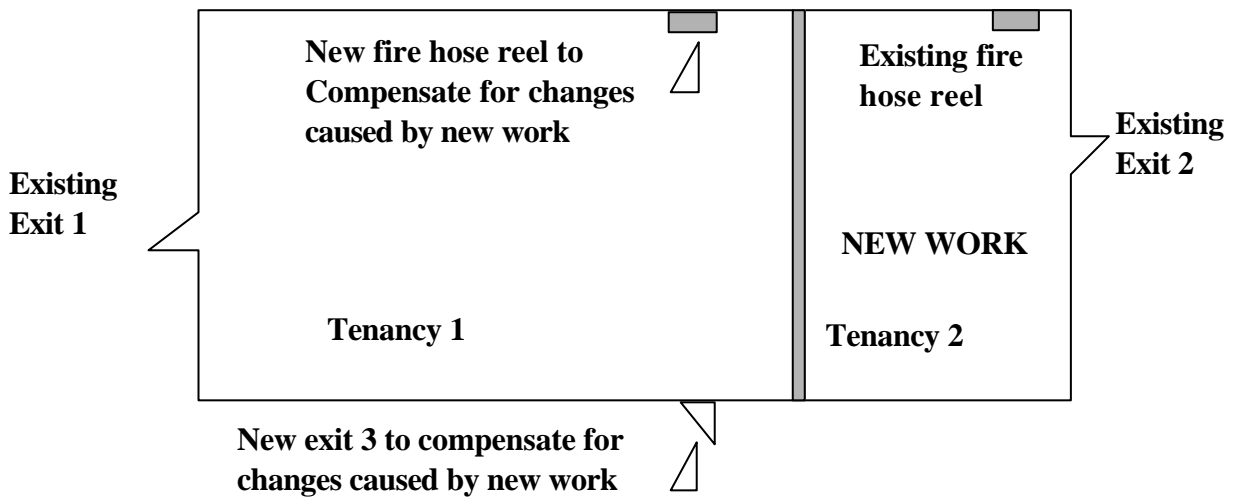
**In relation to alterations to an existing building, what should a private certifier do if a non-complying aspect is apparent which impacts on the issuing of a certificate of classification?**

A private certifier cannot issue a certificate of classification until substantial completion is achieved. If a non-complying aspect is discovered during the assessment or inspection of the development, which prevents substantial completion from being obtained, the certificate of classification cannot be issued. This would apply to an alteration.

For example, if it was determined that existing Exit 2 (refer to Fig B) that is required for the alteration, was too narrow; the private certifier would not be in a position to issue the new certificate of classification until Exit 2 was rectified. This would be the case even if the local government had issued a previous certificate of classification for the building.



**Fig A**  
**EXISTING BUILDING LAYOUT**



**Fig B**  
**NEW BUILDING LAYOUT**