



Building Newsflash

ENFORCEMENT GUIDELINES

Purpose

To advise building certifiers of the publication on the Building Codes Queensland (BCQ) web page of the Queensland Building Work Enforcement Guidelines.

The Guidelines were prepared to assist both local governments and private certifiers discharge their enforcement responsibilities concerning building work. Local governments and private certifiers can incur serious liabilities if they fail to enforce the provisions of the legislation. It is important they ensure their actions are not found to be negligent, as this may affect a building certifier's accreditation, and negate indemnity insurance.

Overview

The Guidelines explain the obligations of both local governments and private certifiers to enforce compliance with the *Integrated Planning Act 1997* and the *Building Act 1975*. They cover both simple and complex compliance issues, such as issuing a direction to a builder on-site to correct a minor defect; issuing a stop-work notice pending the issue of relevant approvals; requiring an owner to erect a swimming pool fence; and issuing a notice to demolish non-complying development.

Guidance is given on who is responsible and authorised to issue notices; obtaining lawful access to premises to investigate an issue; and gathering evidence that is admissible in court.

Model templates are provided for show cause and enforcement notices, which will facilitate the process and help ensure notices are meaningful, accurate and compliant.

The procedural matters addressed in the Guidelines are particularly important if a compliance issue proceeds to court, and a successful prosecution is to be achieved.

Availability

A draft of the Guidelines was published on the BCQ web page in June 2001. Considerable useful feedback has been received from a number of local governments and private certifiers since then. Where appropriate the Guidelines were amended to address the issues raised.

The final version of the Queensland Building Work Enforcement Guidelines is available on the DLGP Internet site www.dlgp.qld.gov.au under Building Codes Queensland - Publications.

If you require further information regarding this matter, please contact Mr Mark O'Leary on (07) 3237 1707.