

This form applies when a private building certifier has been engaged by a client, who is not the owner of the building, to undertake private certifying functions.

Section 143A(3) of the *Building Act 1975* requires the private building certifier, within 15 business days after the engagement starts, to give the owner, in the approved form (Form 18), their name and details of their responsibilities as the engaged private building certifier, unless the private building certifier has a reasonable excuse.

**Notify the owner of a building that a private certifier has been engaged.**

**Notify the owner of a building that a private certifier has been engaged (send to owner).**

*I advise that (insert name of private building certifier in the box)*

.....  
has been engaged as the private building certifier to assess and carry out inspections of the proposed building work described in sections 1 and 3 below.

Company name *(if applicable)*

Date of engagement

DD / MM / YYYY

a. The fee payable to assess and carry out inspections of single detached class 1a buildings and structures and class 10 buildings and structures will cover the following inspections by the certifier:

Foundation and excavation

Slab stage

Frame stage

Final stage

Other stages / aspects (please indicate)

b. The fee payable to assess and carry out inspections for all other classes of buildings refers to the inspections included in the development application.

**Note:** the fee does not include the cost of any additional certifying functions to be carried out on request by the owner under an additional certification notice (Form 33) (refer section 143B of the *Building Act 1975*)

**1. Property description**

The description must identify all land the subject of the application.

The lot and plan details (e.g. SP/RP) are shown on title documents or a rates notice.

If the plan is not registered by title, provide previous lot and plan details.

Street address *(include number, street, suburb/locality and postcode)*

.....  
..... State ..... Postcode .....

Lot and plan details *(attach list if necessary)*

Local government area the land is situated in

.....

<p><b>2.Owner's details</b></p> <p>If the owner is a company, a contact person must be shown.</p> <p>All correspondence will be mailed to this address.</p>	Name <i>(in full)</i>	
	.....	
	Company name <i>(if applicable)</i>	Contact person
	.....	.....
	Business phone number	Mobile number
	.....	.....
Email address		
.....		
Postal address		
.....		
..... State ..... Postcode .....		

<p><b>3.Description of proposed building work</b></p>	Insert description:

<p><b>4.Private certifier's details</b></p> <p>If the certifier works for a company, a contact person must be shown.</p>	Name of building certifier <i>(in full)</i>	
	.....	
	Company name <i>(if applicable)</i>	Contact person
	.....	.....
	Business phone number	Mobile number
	.....	.....
	Email address	
	.....	
	Postal address	
.....		
..... State ..... Postcode .....		
Licence number		
.....		

<p><b>5.Private certifier's signature</b></p>	Signature	Date
	.....	.....

## APPENDIX

### Additional explanatory information about owner requests for additional certifying functions and inspection documentation

Within 10 business days of the owner receiving Form 18 the owner must give an additional certification notice (i.e. Form 33) to the client if the owner wants to direct the client to request the building certifier to perform additional certification functions.

Within five business days after receiving the additional certification notice (Form 33) the client must give a copy of the notice to the building certifier engaged for the building assessment work.

Section 143B(5) of the *Building Act 1975* requires the building certifier to perform any additional certification inspections stated in the additional certification notice (Form 33) on or before the agreed day, unless the certifier has a reasonable excuse.

#### **The agreed day**

The *agreed day* is defined under section 143B(11) of the *Building Act 1975* as the day agreed to by, or worked out under an agreement between the client (e.g. the builder), the building certifier, the owner and the builder (if not the client) for the work that is the subject of the additional certifying function to be undertaken by the building certifier.

If the agreed day is not decided within 10 business days after the day the client gives a copy of the additional certification notice (the relevant day) to the building certifier, then the building certifier must nominate the agreed day or the way to determine the agreed day.

For instance, if such an agreement cannot be reached, within 15 days after the relevant day (10 days after the client gives a copy of the additional certification notice to the building certifier) then the building certifier must either **nominate a day**, or **a way to determine the agreed day** and then inform the client and owner. For example, the certifier may nominate the way to determine the *agreed day* is within two days of the date when the client contacts the building certifier and tells them the building work the subject of the additional certifying notice is ready to be inspected.

**Note:** the owner cannot request additional certifying functions if the building certifier for the work was engaged to inspect the building work before 1 October 2020.

#### **Cost of additional inspections**

Under section 143B of the *Building Act 1975* the owner is liable for the reasonable costs of the performance of any additional inspections of assessable building work described in the additional certification notice. The building certifier will determine a reasonable cost to carry out any additional certifying functions.

## THIS IS THE INFORMATION ABOUT THE RESPONSIBILITIES OF YOUR PRIVATE BUILDING CERTIFIER

A private building certifier has been engaged to approve and inspect building work on your land. This section outlines the role of a private building certifier and where you can obtain more information.

#### **What is a private building certifier?**

A private building certifier can approve and inspect building work in the same manner as the local council. A private building certifier is engaged under a written contract with the person who made the application. This may be the building designer, the builder or the property owner. Once hired, a private building certifier must also notify the local council within five business days if engaged by the owner, and within 15 business days if engaged by the client.

Private building certifiers are licensed to practice by the Queensland Building and Construction Commission and must abide by State legislation and a Code of Conduct. The Code and the laws require a private building certifier to act in the public interest above all other obligations under the *Building Act 1975*. The certifier must not take action that would compromise the health and safety of any person, the amenity of their property or significantly conflict with a local council's planning scheme. The Code also sets out standards of conduct and professionalism expected from certifiers.

#### **When can a private building certifier issue an approval?**

A private building certifier cannot issue an approval until other necessary approvals, such as town planning approval by the council, have been given, and copies of relevant documents are lodged with the council for archiving.

#### **What does a private building certifier do?**

A private building certifier can perform the following functions:

- assess whether proposed building work complies with acceptable health and safety standards called up by building legislation (i.e. Building Code of Australia)
- issue approvals for the building work
- carry out inspections to determine if the building complies with building legislation and any conditions they impose on the approval
- issue a final inspection certificate or certificate of occupancy for the building work
- take any necessary action to ensure the building work complies with the legislation.

Where the building work involves a detached house or ancillary buildings such as a garage or shed, the private building certifier must send a copy of the development approval and approved plans to the owner.

#### **What inspections will be done?**

The required inspections will be shown on the development approval. For houses the following mandatory inspections must be undertaken:

- foundation and excavation (before the footings are poured)
- slab (before the concrete is poured)
- frame (before the cladding or lining is fixed or for reinforced masonry construction, before the wall cavities are filled)
- final (at the completion of all aspects of the building work)
- any additional certifying function/s requested by the owner under an additional certification notice (i.e. Form 33 – Additional certification notice).

For alterations including additions to a house, inspections must be undertaken for each stage of the building work that applies to the alteration.

For private garages, carports and sheds an inspection is required at the final stages of construction. For swimming pools and required fencing, an inspection must be carried out and the fence certified before the pool is filled with water to a depth of 300mm or more.

The person carrying out the building work must give notice to the private building certifier when an inspection is due. A private building certifier or council certifier must carry out a pool fencing inspection. For the other inspections, the private building certifier will either carry out inspections personally or appoint competent persons to inspect and approve aspects of work.

For Class 1a and 10 buildings or structures, when the final inspection is complete, the building certifier must provide the owner with a final inspection certificate and any other inspection documentation for inspection of the building work. A copy will be given to the local council at the completion of the building work.

For all other classes of buildings, a certificate of occupancy must be provided to the owner when the building certifier considers that the work is substantially complete.

#### **Owner request for inspection documentation**

At any time before the inspection of the final stage of assessable building work the owner of the building may ask the building certifier for a copy of any inspection documentation for any previous **stages of building work**. To request inspection documentation the owner must complete the approved Form 35 – Building owner request for inspection documentation and provide it to the building certifier for the assessable building work.

The building certifier must, within five business days after receiving Form 35 give the owner the requested inspection documentation.

**Note:** the owner cannot request inspection documentation for building work if the building certifier for the work was engaged to inspect the building work before 1 October 2020.

#### **Owner requests for additional certifying functions (certification inspections)**

An owner who did not engage the building certifier themselves may request that the building certifier perform an additional certifying function such as an additional inspection under section 143B of the *Building Act 1975*. The owner may complete an Additional certification notice –Form 33 and needs to provide a copy to the client within 10 business days of receiving notice of the certifier's details. The owner is responsible for all reasonable costs associated with any requested additional certifying functions. For more information, see the appendix of Form 33.

**Note:** the owner cannot request additional certifying functions for building work if the building certifier for the work was engaged to inspect the building work before 1 October 2020.

#### **Who is responsible for the standard of work?**

Both the building contractor and owner are responsible for ensuring building work is carried out to a standard of quality and finish required by the owner under the conditions of contract. The private building certifier is not responsible for standards of workmanship higher than the acceptable health and safety standards called upon by State legislation.

#### **What is the State legislation?**

*Planning Act 2016* – establishes an efficient, effective, transparent, integrated, coordinated, and accountable system of land use planning, development assessment and related matters that facilitates the achievement of ecological sustainability.

- *Building Act 1975* – regulates building development approvals, building classification, swimming pool safety and sustainable buildings in Queensland as well as the licensing, auditing and compliance requirements of building certifiers.
- *Building Regulation 2006* – prescribes requirements for building work, building certifiers, inspections of building work, appointments of competent persons and cadets and pool safety inspectors, prescribes accepted development and the Queensland Development Code Parts and other requirements subordinate to the *Building Act 1975*.
- *Queensland Building and Construction Commission Act 1991* – regulates the building industry, regulates and provides remedies for defective building work, investigates complaints including about building certifiers and QBCC licensees, regulates domestic building contracts and provides advice, supports and educates those undertaking building work and consumers.

State legislation can be accessed at [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au).

#### **Where can I get further information?**

Further information about the performance and obligations of building certifiers is available from the Queensland Building and Construction Commission. The QBCC can be contacted by submitting a general enquiry at <https://my.qbcc.qld.gov.au/s/contactsupport> or by calling 139 333.

Further information about State government legislation and the Code of Conduct for private building certifiers is available from the [Business Queensland website](#).