

This form is the approved form that must be used in accordance with section 143A(3) of the *Building Act 1975* when a private 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 certifier, unless the private certifier has a reasonable excuse.

<p>Notify the owner of a building that a private certifier has been engaged</p>	<p style="text-align: center;">Notify the owner of a building that a private certifier has been engaged (send to owner).</p> <p><i>I advise that (insert name of private certifier in the box)</i></p> <p>.....</p> <p>has been engaged as the private certifier to assess and carry out inspections of the proposed building work described in sections 1 and 3 below.</p> <div style="border: 1px solid black; height: 20px; width: 100%; margin-bottom: 5px;"></div> <p>Company name <i>(if applicable)</i></p> <p>Date of engagement</p> <p style="margin-left: 20px;">DD / MM / YYYY</p> <p>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:</p> <ul style="list-style-type: none"> Foundation/excavation stage Footings stage Slab stage Frame stage Final stage Other stages / aspects (please indicate) <p>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.</p> <p>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 31) (refer section 143B of the <i>Building Act 1975</i>).</p>
<p>1. Property description</p> <p>The description must identify all land the subject of the application.</p> <p>The lot and plan details (e.g. 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>

INFORMATION ABOUT THE RESPONSIBILITIES OF YOUR PRIVATE CERTIFIER

The following information provides an overview about the responsibilities of a private certifier when they are engaged to approve and inspect building work.

What is a private certifier?

A private certifier can approve and inspect building work in the same manner as the local council. A private 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 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 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 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 certifier issue an approval?

A private 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 certifier do?

A private 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 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:

- all stages at which the building development approval states the work must be inspected
- foundation/excavation (after excavation of foundation material and before the footings or slab are poured)
- footings (after placement of formwork and reinforcement for footings but before concrete for footings is poured)
- frame (at a time appropriate to the construction type – refer to section 44 of the Building Regulation 2021)
- 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 31 – 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 stage of construction. For swimming pools, at the completion of the pool and its fencing and, if no temporary fence for the pool was constructed, inspection must occur before the pool is filled with water to a depth of 300mm or more. Where temporary fencing for a pool is used, additional inspection requirements apply (see section 44 of the Building Regulation 2021 and the Queensland Development Code MP3.4).

The person carrying out the building work must give notice to the private certifier when an inspection is due. A private certifier or council certifier must carry out a pool fencing inspection. For the other inspections, the private certifier will either carry out inspections personally or appoint competent persons to inspect and approve aspects of work (subject to restrictions under the Building Regulation 2021).

For single detached class 1a buildings and class 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 buildings or structures, 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 private certifier for a copy of any inspection documentation for any previous **stages of building work**. To request inspection documentation the owner may complete Form 35 – Building owner request for inspection documentation and provide it to the private certifier for the assessable building work.

The private 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 private certifier for the work was engaged to inspect the building work before 1 October 2020.

Owner requests for additional certifying functions

An owner who did not engage the private certifier themselves may request that the private 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 31 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 31.

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.

Within 10 business days of the owner receiving a Form 18 the owner must give an additional certification notice (i.e. Form 31) 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 31) 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 function stated in the additional certification notice (Form 31) 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 a 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 certifying function/s

Under section 143B of the *Building Act 1975* the owner is liable for the reasonable costs of the performance of any additional certifying function/s 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.

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 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 2021* – 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.

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](#).

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.