

# Certificates from plumbers relating to building work

Guideline under the *Building Act 1975*



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## Purpose

This guideline is for building certifiers who are considering seeking inspection help through completion of an approved form ([Form 12—Aspect Inspection Certificate \(Appointed Competent Person\)](#) (Form 12) under the Building Regulation 2021 (BR) in relation to plumbing and drainage work under the *Plumbing and Drainage Act 2018* (PDA).

This guideline clarifies that it is not appropriate for building certifiers to seek inspection help in relation to plumbing and drainage work under the PDA.

Note: This guideline does not deal with inspection help for plumbing work that is also fire protection work (including sprinkler systems, hydrants, pumps and hose reels) under the *Queensland Building and Construction Commission Act 1991*. Refer to the guideline—[Building certifiers obtaining help from competent persons for fire protection work](#) for advice on obtaining inspection help for plumbing work that is also fire protection work.

## Legal status of this guideline

This guideline is made by the Chief Executive under section 258 of the *Building Act 1975* (BA). Section 258(1) allows the chief executive of the department to make guidelines for matters within the scope of the BA to help compliance with the BA.

Under section 133A of the BA, in performing a function under the BA, including a building certifying function, a building certifier must have regard to any guidelines made under section 258 that are relevant to performing the function. Evidence that a building certifier has had regard to those guidelines in performing a function may assist the building certifier in dealing with a complaint about their performance of the function.

Evidence of regard to guidelines made under the BA may assist a building certifier in the event of a complaint about the performance of a building certification function.

## Background

### General

In Queensland, building certifiers play an important role in the assessment, approval and inspection of new building work. They must ensure high standards of building control are achieved across the community.

Building certifiers who assess, approve and inspect new building work are responsible for ensuring compliance with the minimum standards of health, safety, amenity and sustainability. These standards are set out under the BA and are designed to protect the people who occupy and use all buildings constructed in Queensland.

With sufficient information supporting the building development approval (BDA), building certifiers can decide to approve and inspect the building work without assistance from other building industry professionals. However, they may need assistance to assess and inspect more complex structural and technical aspects of buildings.

There are provisions in the BR allowing a building certifier to rely on design or inspection help from other building industry practitioners about an aspect of the building work. The BR recognises these practitioners as competent persons who can provide design or inspection help.

Even though a building certifier can rely on a *Form 12—Certificate from a competent person when approving or inspecting building work*, they are ultimately responsible for ensuring the building work complies with the BA.

The BR<sup>1</sup> also provides that if under the relevant laws an individual must be licensed or registered to be able to give help, then they must be so licensed or registered. For example, an individual must be a

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<sup>1</sup> BR, section 34(2)

registered professional engineer to be competent to give inspection help to a building certifier for the reinforcement of footing system aspect of building work for a single detached class 1a building.

The building certifier must then assess the individual as not just being appropriately licensed or registered but also having the appropriate experience, qualification or skills to determine if they are a competent person<sup>2</sup>.

## Building work involving plumbing work

The BA requires an application for the approval of building work to be assessed against specific technical and legislative provisions. These are called building assessment provisions (BAPs) and include the Building Code of Australia (BCA) (now part of the National Construction Code).

In Queensland, the regulation of plumbing and drainage work (except for fire protection work) is administered by local governments who are responsible for enforcing the following laws, codes and standards in their areas, including the:

- [PDA](#)
- [Plumbing and Drainage Regulation 2019](#) (PR)
- Plumbing Code of Australia ([Volume 3 of the National Construction Code](#))
- [Queensland Plumbing and Wastewater Code](#), and
- relevant Australian Standards called up by these documents.

## Key legislative provisions

### *Building Act 1975*

- Section 10(b) provides that the giving of a compliance certificate in the approved form is a building certifying function for the aspects of building assessment work.
  - Section 10(c) provides that for a building development approval, inspecting work to decide whether to certify the work is a building certifying function.
  - Section 10(d)(ii) provides that for building work for a single detached class 1a building or class 10 building or structure, the giving of a final inspection certificate is a building certifying function.
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<sup>2</sup> BR, section 34(2)

## Building Regulation 2021

- Section 34(1) provides that a building certifier may decide that an individual may give the certifier *inspection help*.
- Section 34(2) provides that if under any relevant law, an individual must be licensed or registered to be able to give inspection help, the individual must be licensed or registered. This section also provides that the building certifier must assess an individual to be competent to be able to give the inspection help.
- Section 36 provides that if a building certifier decides a person is competent to give help, the certifier must keep a record stating who the person is, the matters for which a person is decided to be competent, the day the decision was made, details of information relied upon to decide and the reasons for the decision must be kept for at least five years.
- Section 75 provides that, among other things, a building certifier may accept and rely on a certificate from a competent person but only if it is in the approved form (Form 12).
- Section 77 provides that a certificate by a competent person must be in the approved form (Form 12), be signed by the competent person and state in detail the basis for giving the certificate and the extent tests and other documents have been relied upon.

## Definitions

The following are definitions used in this guideline and defined in the BA or BR, however these are a guide only and the precise wording of a definition should always be consulted in the relevant legislation.

**Approved form** means a form approved by the chief executive under section 254 of the BA. These forms are available on the [Business Queensland website](#) under the [Building forms page](#).

**Building development approval** means a development approval to the extent it approves a building development application.

**Building certifying function** is carrying out any of the things set out in section 10 of the BA.

**Competent person** is an individual the subject of a decision under section 34 of the BR.

**Competent person (inspections)** is a person decided under section 34 of the BR.

**Complaint means** for chapter 6—a complaint made under chapter 6, part 4 of the BA about a building certifier or former building certifier.

**Inspection help**, for a *competent person*, see section 33 of the BR.

## Expressions

The following are expressions used in this guideline:

**Certificate** means a Form 12.

**Form 12** means the approved form titled *Form 12—Aspect Inspection Certificate (Appointed Competent Person)*.

**PDA licensee** means the holder of a licence under the PDA that authorises the person to do plumbing and/or drainage work.

## **Certificates are not required for work performed under the *Plumbing and Drainage Act 2018***

Under section 135 of the PDA, local governments are responsible for administering the requirements of the PDA relating to plumbing and drainage in their areas. As this work is regulated by local governments under the PDA, certifiers should not certify or inspect this work when assessing building work under the BA.

Some plumbing work is regulated under both the BA and the PDA<sup>3</sup>. For example, the water efficiency requirements under Queensland Development Code (QDC) MP 4.1 are called up by both the BA and PDA. As local governments are responsible for ensuring that plumbing work complies with QDC MP 4.1, certifiers should also not certify or inspect this work when assessing building work under the BA.

As certifiers do not certify or inspect work that is regulated under the PDA, they should not request certificates from a PDA licensee. There is no requirement for a licensee to provide a certificate for work that is regulated under the PDA

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<sup>3</sup> As noted above this guideline does not deal with fire protection work. In relation to plumbing work that involves fire protection work, building certifiers should refer to the separate guideline—*Building Certifiers obtaining help from competent persons for fire protection work* for guidance.