

# Guideline for the assessment of competent persons

Guideline under the *Building Act 1975*

Effective as of 17 July 2023



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## Scope

This guideline is limited to the framework for competent persons under the Building Regulation 2021 (BR) and the roles of building certifiers, competent persons (design-specification and inspection), and Queensland Building and Construction Commission (QBCC) licensees in performing building certifying functions.

## Purpose of this guideline

The purpose of this guideline is to assist building certifiers with assessing an individual as competent and helping building certifiers perform their building certifying functions (building design-specification or inspection help) under the *Building Act 1975* (BA) and the BR.

## Legal status of this guideline

This guideline is made under section 258 of the BA. The chief executive may make guidelines to help achieve compliance with the BA, which includes guidelines about the use of competent persons.

Section 34(6) of the BR provides that a building certifier must have regard to this guideline in deciding who is a competent person.

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 of the BA that are relevant to performing the function. Evidence that a building certifier had regard to the guidelines when performing a function may assist the building certifier in dealing with a complaint about their performance of the function.

## Competency framework

### Defining a competent person

The BR provides the framework for competent persons.

A competent person is an individual who the building certifier for the assessable building work decides is competent to help the building certifier perform building certifying functions.

There are two types of competent persons:

- a competent person (design-specification)
- a competent person (inspection).

The person who inspects and signs a competent person certificate must be the competent person appointed by the building certifier.

#### Note:

- A competent person must be an individual, not a company or corporation<sup>1</sup>.
- A person licensed under the *Plumbing and Drainage Act 2018* cannot be a competent person for building work that is also plumbing and drainage work under the *Plumbing and Drainage Act 2018*. For further information, refer to the guideline [Certificates from plumbers relating to building work](#).

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<sup>1</sup> *Acts Interpretation Act 1954* defines an *individual* as a natural person

## Assessing an individual as competent

When undertaking an assessment to determine whether an individual can be a competent person, the building certifier must do each of the following:

- if a relevant law requires them to be registered, licensed or have other qualifications to give the help, ensure the individual is registered, licensed or has other qualifications
- have regard to the individual's experience, qualifications, and skills for the matter and be satisfied that the individual is competent to give the help.

A relevant law means a law applying in the state that is relevant to practising in the matter the subject of the help.

Assessment of individuals as competent persons should be undertaken at regular intervals to ensure the individual's qualifications remain up-to-date and to confirm the current status of the license and/or registration.

A building certifier's assessment should follow these steps:

### Ensure that the individual is registered or holds a licence or other qualification where required by a relevant law

To practice in certain aspects of designing, building or inspecting building work, some practitioners are required to be registered, hold a licence or other qualification under a relevant law applying in Queensland.

If a relevant law requires an individual to be registered, hold a licence or other qualification, the building certifier must ensure that the individual is so registered or holds a licence or qualifications. A building certifier cannot decide an individual is a competent person if the individual is not registered, licensed or qualified as required under a relevant law<sup>2</sup>.

**Note:** If there is no relevant law requiring an individual to be registered or hold a licence or other qualification to give help to a certifier, then the certifier need only assess the individual's experience, qualifications and skills.<sup>3</sup>

### Licensing

Tradespersons undertaking 'building work' as defined under the *Queensland Building and Construction Commission Act 1991* (QBCC Act) must be licensed by the QBCC under the QBCC Act. These include, but are not limited to, builders, waterproofers, building designers, carpenters, concreters, plumbers, fire protection installers, glaziers, metal fabricators, roof/wall cladders, mechanical services installers, shopfitters, pool builders, termite management workers and tilers.

Additionally, electricians are required to be licensed by WorkSafe Queensland under the *Electrical Safety Act 2002*.

A building certifier must be satisfied that an individual is appropriately licensed to provide help as a competent person, which may include conducting a licence check with the relevant licensing authority.

Licensing authorities include, but are not limited to:

- **QBCC** for most trades - search online at [QBCC licensee search](#)
- **WorkSafe** for electricians - search online at [Worksafe licensee search](#).

A licence check should also include a check of the licensee's history, including any disciplinary action or other information, which the building certifier may consider in making their assessment of the individual's competency.

<sup>2</sup> Section 34(2) of the BR

<sup>3</sup> Section 34(2)(b) of the BR

Where a building certifier requires further information, particulars or references, the building certifier may refer to the licensee's history on the QBCC register, search QCAT decisions or contact the QBCC licensing team.

## Registration

Some individuals are required to be registered under legislation to practice. This includes but is not limited to a person registered:

- by the Board of Professional Engineers of Queensland as a practising professional engineer of Queensland (RPEQ) under the *Professional Engineers Act 2002*.
- to provide architectural services by the Board of Architects of Queensland under the *Architects Act 2002*.
- by the Surveyors Board Queensland as a registered surveyor (with a cadastral endorsement) under the *Surveyors Act 2003*.

A building certifier must conduct a registration check with the relevant registration authority to confirm that an individual is appropriately registered to provide help as a competent person.

Registration authorities include, but are not limited to:

- **Board of Professional Engineers of Queensland** for engineers search online at [RPEQ search](#)
- **Board of Architects of Queensland (BOAQ)** for architects search online at [BOAQ search](#)
- **Surveyors Board Queensland (SBQ)** for surveyors search online at [SBQ search](#).

A registration check should also include a check of the registrant's history, including any disciplinary action, which the building certifier may consider in making their assessment of the individual's competency.

**Note:** Professional engineering service must only be provided by either:

- registered professional engineer of Queensland
- a person supervised by a registered professional engineer of Queensland.

The National Engineering Register (NER), maintained by Engineers Australia, lists engineers in a number of areas of practice. This enables easy identification of the engineering field within which the competences of practitioners have been assessed.

Registration on NER is not an alternative to registration as a RPEQ. For the purpose of searching RPEQs, refer to the Board of Professional Engineers of Queensland's Register and the [Board's website](#) in the first instance.

**Example:** A large and/or complex air-conditioning system such as one forming part of a required smoke-control system within a building would require engineering analysis to certify both design and construction compliance. This would constitute a professional engineering service, and only a registered professional engineer should provide certification in this instance.

Where a Form 15 is used for design compliance, reference documentation such as supporting plans, specifications and/or structural engineering must be included on the form.

The installation of a simple system that does not require engineering analysis, such as a required mechanical ventilation system, could be inspected by a person who meets the following two criteria:

- licensed by the QBCC for installation work and experienced in the installation of such systems and
- the building certifier has decided is a competent person.

Alternatively, if the simple system is installed in a single detached class 1a building, then the system could be certified by a QBCC licensee giving a [Form 43 - Aspect certificate \(QBCC licensee\)](#) without the licensee having to be deemed a competent person. This is provided that the licensee either carried out the work when holding a QBCC licence of an appropriate class or is able to give a certificate for the work.

## Other qualifications

Some individuals are required to have specific qualifications under legislation to practice.

A building certifier must ensure that an individual holds the necessary legislated qualifications to provide help as a competent person in addition to assessing the individual's experience, other qualifications and skills.

An individual's other qualifications may include qualifications required for membership or accreditation with professional associations, accreditation bodies or product manufacturers. A building certifier may check with the association, body or manufacturer for further information. Although these qualifications are not required by law, they can be considered in the overall competency assessment.

## Ensure the individual has the necessary experience, qualifications and skills

To assess an individual's experience, qualifications and skills, the building certifier should obtain a resume from the individual. References or referees may also be used to assess an individual's suitability.

The building certifier should then consider the individual's work experience, membership of a professional association or accreditation body or affiliation, any other qualifications, and any other skills.

## Work experience

The building certifier should consider recent evidence of the individual's work experience involving projects or aspects of building work previously certified of a similar nature to the type of work being certified. A building certifier must ensure the competence of an individual is appropriate to the extent of help and assessment being provided. Any information about the person's skills and experience from websites and social media platforms such as LinkedIn, Facebook and Instagram should be verified against the person's resume or a third-party source.

**Example:** When assessing a practising registered professional engineer (RPEQ) as a competent person (inspection) for a reinforced concrete structure, the engineer should provide the building certifier with details about the projects they have previously inspected and certified involving reinforced concrete of a similar size and complexity.

## Membership of a professional association or accreditation body or affiliation

Professional associations or accreditation bodies usually have requirements that need to be satisfied, such as a code of ethics and/or minimum academic and practical experience in a particular aspect for membership. A building certifier should confirm membership or accreditation and confirm requirements for continued membership or accreditation and use this information to assess the suitability and appropriateness of an individual to undertake specific certification tasks.

## Other qualifications

Some building product manufacturers require installers to undertake courses to gain qualifications to install their products, and issue "approved installer" status to installers of their products. The building certifier can consider these qualifications. Be aware that "approved installer" status is not generally based on a legislative requirement. Where a law requires an individual to hold qualifications, then the individual must hold the qualification.

## Skills

The building certifier should assess whether the individual has a thorough knowledge of the relevant requirements including but not limited to the Building Code of Australia (BCA), Queensland Development Code (QDC), BA and BR to provide design-specification and/or inspection help

**Note:** If a law requires an individual to be registered or hold a licence or qualifications, then the individual must be so registered, licensed or qualified in addition to having relevant experience, other qualifications and skills.

### Ensure the individual is a registered professional engineer or cadastral surveyor in certain circumstances

For **single detached class 1a buildings**, a building certifier for the assessable building work cannot decide an individual is a competent person (inspection) for the following **aspects**, unless the individual is both a:

- cadastral surveyor if giving inspection help for boundary clearance aspect
- registered professional engineer experienced in giving inspection help for the reinforcement of footing system aspect<sup>4</sup>.

For single detached class 1a buildings, the reinforcement of footing system aspect is the:

- reinforcement of footing system work
- formwork and reinforcement for a slab<sup>5</sup>.

For all other aspects, there are no specific restrictions on who a building certifier decides may be a competent person. Another building certifier (i.e. a building certifier who did not approve the building development application) may be a competent person for an aspect if they are assessed and the building certifier makes a decision in accordance with the requirements of the BR and this guideline.

## Deciding an individual is competent

A building certifier for the assessable building work may decide an individual is one of the following:

- a competent person (design-specification)
- a competent person (inspection)
- a competent person (design-specification) and a competent person (inspection).

**Note:** A competent person must be an individual, not a company or corporation<sup>6</sup>.

A building certifier may decide an individual is a **competent person (inspection)** on and from the day the building certifier made the decision. The building certifier must decide an individual is a competent person for inspection help **before** they can, as a competent person, give inspection help i.e. the building certifier must assess and decide that the individual is competent **prior** to them carrying out the inspection<sup>7</sup>.

For design-specification help, a building certifier may decide an individual is a **competent person (design-specification)** on and from a particular day. The particular day of the building certifier's decision may be before or after the person gives the design-specification help<sup>8</sup>.

A building certifier may decide an individual is both a **competent person (inspection)** and a **competent person (design-specification)** at the same time or for the same matter.

<sup>4</sup> Section 35 of the BR

<sup>5</sup> Section 35 of the BR

<sup>6</sup> *Acts Interpretation Act 1954* defines an *individual* as a natural person

<sup>7</sup> Section 34 of the BR

<sup>8</sup> Section 34(4) of the BR

A building certifier can decide an individual is competent for all classes and all aspects or can decide that the individual is competent limited to particular aspects, or particular assessable building work<sup>9</sup>.

A building certifier may decide that another building certifier (i.e. a building certifier who did not approve the building development application) is a competent person.

A building certifier may decide that a cadet building certifier is a competent person<sup>10</sup>, except where the building certifier is:

- the cadet building certifier’s supervising certifier
- the cadet building certifier’s employer
- employed by the same employer as the cadet building certifier.

A building certifier must have regard to this guideline when making a deciding who is a competent person. Refer also to the suite of guidelines available on the [Business Queensland](#) website, including guidelines for electricians and plumbers.

## Record keeping

If a building certifier decides an individual is a competent person, the building certifier must keep a record of each of the following matters<sup>11</sup>:

- the competent person’s name
- details of the matters for which the individual was decided to be a competent person
- the date the decision was made
- documents or information relied upon to make the decision
- the building certifier’s reasons for the decision.

The building certifier must keep the record for at least seven years from the day the decision was made<sup>12</sup>.

## Roles

### Building certifier for the assessable building work

The building certifier for the assessable building work is the building certifier for the building development application.

Building certifying functions<sup>13</sup> and their practical application are identified in the table below.

Building certifying function	Practical application
Carrying out building assessment work	Assessing a building development application for compliance with the building assessment provisions
Giving a compliance certificate stating that work complies with the building assessment provisions	Giving a: <ul style="list-style-type: none"> <li>• <a href="#">Form 15 - Compliance certificate for building design or specification</a></li> <li>• <a href="#">Form 29 - Compliance advice for building work</a></li> </ul>

<sup>9</sup> Section 34(1) of the BR

<sup>10</sup> Section 43 of the BR

<sup>11</sup> Section 36 of the BR

<sup>12</sup> Section 36 of the BR

<sup>13</sup> Section 10 of the BA



Building certifying function	Practical application
Inspecting work that is subject to a building development approval	Carrying out an inspection to decide whether to certify the work  Giving a: <ul style="list-style-type: none"> <li>• <a href="#">Form 12 - Aspect inspection certificate (Appointed competent person)</a></li> <li>• <a href="#">Form 16 - Inspection certificate</a></li> <li>• <a href="#">Form 61 - Noncompliance notice</a></li> </ul>
Giving a certificate for some stages for a single detached class 1a buildings and class 10 buildings/structures	Giving a <a href="#">Form 16 - Inspection certificate</a>
Giving a final inspection certificate for single detached class 1a buildings and class 10 buildings/structures	Giving a: <ul style="list-style-type: none"> <li>• <a href="#">Form 21 - Final inspection certificate</a></li> <li>• <a href="#">Form 17 - Final inspection certificate - swimming pools/swimming pool fences</a></li> </ul>
Giving a certificate of occupancy	Giving a <a href="#">Form 11 - Certificate/Interim Certificate of Occupancy</a>

A building certifier may undertake all building certifying functions themselves if they have the necessary skill, understanding and experience.

Sometimes a building certifier may need help in undertaking building certifying functions, because the work is either:

- highly technical or is of such complexity that the building certifier needs help from another practitioner who has expertise the building certifier does not have
- in a remote area where due to excessive travel distances it may be impracticable for the building certifier to inspect work personally.

In these situations, a building certifier may seek help from a competent person.

**Note:** This guideline outlines the functions of a building certifier where they relate to competent persons. For guidance on a building certifier's additional functions, refer to the suite of guidelines available on the [Business Queensland](#) website.

## Receiving forms

### Receiving an aspect inspection certificate (Form 12)

A building certifier for the assessable building work may accept and rely on an aspect inspection certificate from a **competent person (inspection)** if all of the following apply:

- the competent person (inspection) inspected the work in accordance with best industry practice and is satisfied that the aspect has been completed and complies with the building development approval (refer to the Inspection Guidelines)
- the certificate:
  - is in the approved form
  - is signed by the competent person giving the certificate
  - states
    - the basis for giving the certificate
    - the extent to which the competent person relied on tests, specifications, rules, standards, codes of practice or other publications have been relied upon<sup>14</sup>

<sup>14</sup> Sections 75 and 77 of the BR

The approved form for an aspect inspection certificate is [Form 12 - Aspect inspection certificate \(Appointed competent person\)](#).

A building certifier may accept and rely on an aspect inspection certificate without inspecting the work, subject to the following restrictions<sup>15</sup>.

### **Restrictions**

For **single detached class 1a buildings**, a building certifier can only accept an aspect inspection certificate from a competent person who is both a:

- cadastral surveyor if the certificate is for the boundary clearance aspect
- registered professional engineer if the certificate is for the reinforcement of footing system work or formwork and reinforcement for a slab aspect.

**Note:** A building certifier is limited to accepting aspect inspection certificates from these individuals for these aspects as only these individuals can be deemed a competent person<sup>16</sup> and only these individuals can issue an aspect inspection certificate<sup>17</sup>.

Additionally, for **single detached class 1a buildings** and **class 10 buildings or structures**, a building certifier cannot accept aspect inspection certificates for all aspects of the final stage<sup>18</sup> - the building certifier must physically inspect the work at this stage.

### **Receiving design-specification certificates (Form 15)**

A building certifier for the assessable building work may accept and rely on a design-specification certificate from a **competent person (design-specification)** if the certificate:

- is in the approved form
- is signed by the competent person giving the certificate
- states
  - the basis for giving the certificate
  - the extent to which the competent person relied on tests, specifications, rules, standards, codes of practice or other publications have been relied upon<sup>19</sup>.

The approved form for an aspect inspection certificate is [Form 15 - Compliance certificate for building design or specification](#).

### **Receiving an inspection certificate (Form 16)**

A building certifier for the assessable building work may receive a stage inspection certificate from a **competent person (inspection)**.

The approved form for a stage inspection certificate is [Form 16 - Inspection certificate](#).

### **Restrictions**

For **single detached class 1a buildings** and **class 10 buildings or structures**, a building certifier cannot receive a stage inspection certificate from a competent person (inspection) for any of the following stages:

- after excavation of foundation material and before the concrete for the footings, or slab, for the building or structure is poured
- if the building or structure is to have footings - after the placement of formwork and reinforcement for the footings but before the concrete for the footings is poured
- if the building or structure is to have a slab - after the placement of formwork and reinforcement for the slab but before the concrete for the slab is poured

<sup>15</sup> Sections 52(4) and 75 of the BR

<sup>16</sup> Section 35 of the BR

<sup>17</sup> Section 74 of the BR

<sup>18</sup> Section 52 of the BR

<sup>19</sup> Sections 75 and 77 of the BR

- the final stage of the work at the completion of all aspects of the work.

In addition to the stages above, if the structure is a **swimming pool that includes a temporary fence**, a building certifier cannot receive a stage inspection certificate from a competent person (inspection) for any of the following stages:

- on the completion of the construction of the temporary fence and before the pool is filled with water to a depth of 300 millimetres or more
- before an extension is given to extend the period within which the temporary fence must be constructed.

Also, a building certifier cannot receive a stage inspection certificate from a competent person (inspection) if the competent person (inspection) is a builder for the work or carried out building work for any aspect of the stage.

**Note:** A building certifier cannot receive certificates from a competent person for these stages as competent persons cannot give/sign stage inspection certificates for these stages<sup>20</sup>.

### Receiving a notice that work does not comply (Form 62)

A building certifier for the assessable building work may receive a notice that work does not comply from a **competent person (inspection)**.

The notice must:

- be in the approved form
- state both:
  - that the stage does not comply with the building development approval
  - how the stage does not comply with the approval.

The approved form for a notice that work does not comply is [Form 62 - Notice that the stage of work does not comply \(Appointed competent person\)](#).

If a building certifier receives a Form 62, they must either:

- give the builder a stage inspection certificate (Form 16) if satisfied the stage complies with the approval
- give the builder a noncompliance notice (Form 61) if not satisfied that the stage complies with the approval.<sup>21</sup>

If the builder is given a noncompliance notice (Form 61) and does not perform the necessary work and give the building certifier notice to inspect, the building certifier (the issuing authority) must then give the builder a show cause or enforcement notice<sup>22</sup>.

## Another building certifier

Another building certifier is a building certifier who is not the building certifier for the assessable building work.

Another building certifier can give the building certifier for the assessable work help for an **aspect** or a **stage**.

For **aspects**, another building certifier must be deemed a competent person to provide inspection help to the building certifier for the building development application.

**Note:** This guideline outlines the functions of another building certifier where they relate to competent persons. For guidance on a building certifier's additional functions, refer to the suite of guidelines available on the [Business Queensland](#) website.

<sup>20</sup> Section 46 of the BR, Clause 2.1, Schedule 1 of QDCMP 3.4, Section 39 of the BR

<sup>21</sup> Section 54 of the BR

<sup>22</sup> Section 56 of the BR

## Giving forms

### Giving an aspect inspection certificate (Form 12)

For an **aspect** of building work, another building certifier may give the building certifier an aspect inspection certificate if the building certifier:

- has been deemed a competent person by the building certifier for the building development application
- carries out an inspection in accordance with best industry practice (refer to the Inspection Guidelines)
- is satisfied that the aspect has been completed and complies with the building development approval<sup>23</sup>.

The aspect inspection certificate must:

- be in the approved form
- be signed by the competent person giving the certificate
- state:
  - the basis for giving the certificate
  - the extent to which the competent person relied on tests, specifications, rules, standards, codes of practice or other publications<sup>24</sup>.

The approved form for an aspect inspection certificate is [Form 12 - Aspect inspection certificate \(Appointed competent person\)](#).

**Note:** Another building certifier acting as a competent person (inspection) must not give the building certifier a document containing information the person knows, or reasonably suspects, is false or misleading in a material particular<sup>25</sup>.

### Restrictions

For **single detached class 1a buildings**, another building certifier acting as a competent person (inspection) may only give an aspect inspection certificate if they are either a:

- cadastral surveyor if the certificate is for the boundary clearance aspect
- registered professional engineer if the certificate is for the reinforcement of footing system aspect<sup>26</sup>.

For single detached class 1a buildings, the reinforcement of footing system aspect is:

- the reinforcement of footing system work
- the formwork and reinforcement for a slab<sup>27</sup>.

## Receiving forms

### Receiving an aspect inspection certificate (Form 12)

*This section applies where another building certifier receives an **aspect** inspection certificate, and relies on the certificate to give their own **aspect** inspection certificate*

**Note:** In this situation, another building certifier is acting as a competent person (inspection).

Another building certifier acting as a competent person (inspection) may accept and rely on an aspect inspection certificate from another **competent person (inspection)** if all of the following apply:

- the other competent person is a competent person of a type relevant to the inspection help
- if the other competent person is a competent person of a type relevant to the inspection help only

<sup>23</sup> Section 74 of the BR

<sup>24</sup> Section 77 of the BR

<sup>25</sup> Section 40 of the BR

<sup>26</sup> Section 74 of the BR

<sup>27</sup> Section 35 of the BR

- for a particular aspect of the building work - the certificate relates to the aspect
- if the other competent person was decided to be a competent person only for particular assessable building work - the certificate relates to the building work
  - the other competent person was permitted under the BR to give the certificate
  - the other competent person inspected the work in accordance with best industry practice and is satisfied that the aspect has been completed and complies with the building development approval (refer to the Inspection Guidelines)
  - the certificate:
    - is in the approved form
    - is signed by the competent person giving the certificate
    - states:
      - the basis for giving the certificate
      - the extent to which the competent person relied on tests, specifications, rules, standards, codes of practice or other publications have been relied upon<sup>28</sup>.

Both the other building certifier and the other competent person must be deemed a competent person (inspection) by the building certifier for the assessable work **prior** to undertaking the inspection.

The approved form for an aspect inspection certificate is [Form 12 - Aspect inspection certificate \(Appointed competent person\)](#).

Another building certifier acting as a competent person (inspection) may accept and rely on an aspect inspection certificate from another competent person (inspection) without inspecting the work, subject to the following restrictions<sup>29</sup>.

### **Restrictions**

For **single detached class 1a buildings**, another building certifier acting as a competent person (inspection) can only accept an aspect inspection certificate from another competent person who is both a:

- cadastral surveyor if the certificate is for the boundary clearance aspect
- registered professional engineer if the certificate is for the reinforcement of footing system aspect.

For single detached class 1a buildings, the reinforcement of footing system aspect is:

- the reinforcement of footing system work
- the formwork and reinforcement for a slab<sup>30</sup>.

**Note:** Another building certifier acting as a competent person (inspection) is limited to accepting certificates from these individuals for these aspects as only these individuals can be deemed a competent person<sup>31</sup> and only these individuals can issue an aspect inspection certificate<sup>32</sup>.

### **Receiving an aspect inspection certificate (Form 12)**

*This section applies where another building certifier receives an **aspect** inspection certificate, and relies on the certificate to give a **stage** inspection certificate.*

Another building certifier may accept and rely on an aspect inspection certificate from a **competent person (inspection)** if all of the following apply:

- the competent person (inspection) inspected the work in accordance with best industry practice and is satisfied that the aspect has been completed and complies with the building development approval (refer to the Inspection Guidelines)
- the certificate:
  - is in the approved form
  - is signed by the competent person giving the certificate

<sup>28</sup> Sections 76 and 77 of the BR

<sup>29</sup> Section 76 of the BR

<sup>30</sup> Section 35 of the BR

<sup>31</sup> Section 35 of the BR

<sup>32</sup> Section 74 of the BR

- states:
  - the basis for giving the certificate
  - the extent to which the competent person relied on tests, specifications, rules, standards, codes of practice or other publications have been relied upon<sup>33</sup>.

The approved form for an aspect inspection certificate is [Form 12 - Aspect inspection certificate \(Appointed competent person\)](#).

Another building certifier may accept and rely on an aspect inspection certificate without inspecting the work, subject to the following restrictions<sup>34</sup>.

### **Restrictions**

For **single detached class 1a buildings**, another building certifier can only accept an aspect inspection certificate from another competent person who is a:

- cadastral surveyor if the certificate is for the boundary clearance aspect and
- registered professional engineer if the certificate is for the reinforcement of footing system aspect.

For single detached class 1a buildings, the reinforcement of footing system aspect is:

- the reinforcement of footing system work
- the formwork and reinforcement for a slab<sup>35</sup>.

**Note:** Another building certifier is limited to accepting certificates from these individuals for these aspects as only these individuals can be deemed a competent person<sup>36</sup> and only these individuals can issue an aspect inspection certificate<sup>37</sup>.

Additionally, for **single detached class 1a buildings** and **class 10 buildings or structures**, another building certifier acting as a competent person (inspection) **cannot** accept aspect inspection certificates for all aspects of the final stage<sup>38</sup> - the competent person (inspection) must physically inspect the work at this stage.

## Competent person (design-specification)

A competent person (design-specification) is an individual who the building certifier for the assessable building work decides is competent to provide *design-specification help* to the building certifier.

Design-specification help is help in performing a building certifying function for building design or specification for building assessment work<sup>39</sup>. Building design or specification<sup>40</sup> is any material, system, method of building or other thing related to the design of or specifications for building work. Building assessment work<sup>41</sup> is the assessment of a building development application for compliance with the building assessment provisions.

Only a competent person (design-specification) can give design-specification help<sup>42</sup>.

**Note:** A competent person must be an individual, not a company or corporation<sup>43</sup>.

<sup>33</sup> Sections 75 and 77 of the BR

<sup>34</sup> Section 76 of the BR

<sup>35</sup> Section 35 of the BR

<sup>36</sup> Section 35 of the BR

<sup>37</sup> Section 74 of the BR

<sup>38</sup> Section 52 of the BR

<sup>39</sup> Section 33 of the BR

<sup>40</sup> Schedule 10 of the BR

<sup>41</sup> Section 7 of the BA

<sup>42</sup> Section 38(1) of the BR

<sup>43</sup> *Acts Interpretation Act 1954* defines an *individual* as a natural person

## Giving forms

### Giving a design-specification certificate (Form 15)

For an **aspect** of building work, a competent person (design-specification) may give the building certifier a design-specification certificate that states that a building design or specification will, if installed or carried out under the certificate, comply with the building assessment provisions<sup>44</sup>.

The design-specification certificate must:

- be in the approved form
- be signed by the competent person giving the certificate
- state:
  - the basis for giving the certificate
  - the extent to which the competent person relied on tests, specifications, rules, standards, codes of practice or other publications<sup>45</sup>.

The approved form for a design-specification certificate is a [Form 15 - Compliance certificate for building design or specification](#).

**Note:** A competent person (design-specification) must not give the building certifier a document containing information the person knows, or reasonably suspects, is false or misleading in a material particular<sup>46</sup>.

## Competent person (inspection)

A competent person (inspection) is an individual who the building certifier for the assessable building work decides is competent to provide *inspection help* to a building certifier.

Inspection help is help in performing a building certifying function for the inspection of assessable building work<sup>47</sup>.

Only a competent person (inspection) can give inspection help<sup>48</sup>. A competent person (inspection) can give a building certifier help for an **aspect** or a **stage**.

**Note:** A competent person must be an individual, not a company or corporation<sup>49</sup>.

## Giving forms

### Giving an aspect inspection certificate (Form 12)

For an **aspect** of building work, a competent person (inspection) may give the building certifier an aspect inspection certificate if the competent person (inspection):

- carries out an inspection in accordance with best industry practice (refer to the Inspection Guidelines)
- is satisfied that the aspect has been completed and complies with the building development approval<sup>50</sup>.

The aspect inspection certificate must:

- be in the approved form
- be signed by the competent person giving the certificate
- state:

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<sup>44</sup> Section 73 of the BR

<sup>45</sup> Section 77 of the BR

<sup>46</sup> Section 40 of the BR

<sup>47</sup> Section 33 of the BR

<sup>48</sup> Section 38(1) of the BR

<sup>49</sup> *Acts Interpretation Act 1954* defines an *individual* as a natural person

<sup>50</sup> Section 74 of the BR

- the basis for giving the certificate
- the extent to which the competent person relied on tests, specifications, rules, standards, codes of practice or other publications<sup>51</sup>.

The approved form for an aspect inspection certificate is [Form 12 - Aspect inspection certificate \(Appointed competent person\)](#).

**Note:** A competent person (inspection) must not give the building certifier a document containing information the person knows, or reasonably suspects, is false or misleading in a material particular<sup>52</sup>.

### **Restrictions**

For **single detached class 1a buildings**, a competent person (inspection) may only give an aspect inspection certificate if they are:

- a cadastral surveyor if the certificate is for the boundary clearance aspect or
- a registered professional engineer if the certificate is for the reinforcement of footing system aspect<sup>53</sup>.

For single detached class 1a buildings, the reinforcement of footing system aspect is:

- the reinforcement of footing system work
- the formwork and reinforcement for a slab<sup>54</sup>.

### **Giving a stage inspection certificate (Form 16)**

For a **stage** of building work, a competent person (inspection) must give the builder a stage inspection certificate if the competent person (inspection):

- carries out an inspection in accordance with best industry practice (refer to the Inspection Guidelines)
- is satisfied that all relevant aspects of the stage have been completed and comply with the building development approval for the work<sup>55</sup>.

The aspect inspection certificate must:

- be in the approved form
- be signed by the inspecting person
- state:
  - the reasons the inspecting person is satisfied all relevant aspects of the stage have been completed and comply with the building development approval for the work
  - the extent to which the inspecting person relied on tests, specifications, rules, standards, codes of practice or other publications<sup>56</sup>.

The approved form for a stage inspection certificate is [Form 16 - Inspection certificate](#).

**Note:** A competent person (inspection) must not give the building certifier a document containing information the person knows, or reasonably suspects, is false or misleading in a material particular<sup>57</sup>.

### **Restrictions**

For **single detached class 1a buildings** and **class 10 buildings or structures**, a competent person (inspection) cannot sign the stage inspection certificate for any of the following stages:

- after excavation of foundation material and before the concrete for the footings, or slab, for the building or structure are poured
- if the building or structure is to have footings - after the placement of formwork and reinforcement

<sup>51</sup> Section 77 of the BR

<sup>52</sup> Section 40 of the BR

<sup>53</sup> Section 74 of the BR

<sup>54</sup> Section 35 of the BR

<sup>55</sup> Section 52 and 53 of the BR

<sup>56</sup> Section 53 of the BR

<sup>57</sup> Section 40 of the BR



- for the footings but before the concrete for the footings is poured
- if the building or structure is to have a slab - after the placement of formwork and reinforcement for the slab but before the concrete for the slab is poured
- the final stage of the work at the completion of all aspects of the work<sup>58</sup>.

In addition to the stages above, if the structure is a **swimming pool that includes a temporary fence**, a competent person (inspection) cannot sign the stage inspection certificate for any of the following stages:

- on the completion of the construction of the temporary fence and before the pool is filled with water to a depth of 300mm or more
- before an extension is given to extend the period within which the temporary fence must be constructed<sup>59</sup>.

For **all classes of buildings**, a competent person (inspection) cannot sign the stage inspection certificate if they are the builder for the work or carried out building work for any aspect of the stage<sup>60</sup>.

### Giving a notice that work does not comply (Form 62)

For a **stage** of building work, a competent person (inspection) must give the builder and the building certifier a notice that work does not comply if the competent person (inspection):

- carries out an inspection in accordance with best industry practice (refer to the Inspection Guidelines)
- is **not** satisfied that all relevant aspects of the stage have been completed and comply with the building development approval for the work<sup>61</sup>.

The notice must:

- be in the approved form
- state:
  - that the stage does not comply with the building development approval
  - how the stage does not comply with the approval.

The approved form for a notice that work does not comply is [Form 62 - Notice that the stage of work does not comply \(Appointed competent person\)](#).

**Note:** A competent person (inspection) must not give the building certifier a document containing information the person knows, or reasonably suspects, is false or misleading in a material particular<sup>62</sup>.

## Receiving forms

### Receiving an aspect inspection certificate (Form 12)

A competent person (inspection) may accept and rely on an aspect inspection certificate from another **competent person (inspection)** if all of the following apply:

- the other competent person is a competent person of a type relevant to the inspection help
- if the other competent person is a competent person of a type relevant to the inspection help only for a particular aspect of the building work - the certificate relates to the aspect
- if the other competent person was decided to be a competent person only for particular assessable building work - the certificate relates to the building work
- if the other competent person was permitted under the BR to give the certificate
- the other competent person (inspection) inspected the work in accordance with best industry practice and is satisfied that the aspect has been completed and complies with the building development approval (refer to the Inspection Guidelines)
- the certificate:

<sup>58</sup> Section 46 of the BR

<sup>59</sup> Clause 2.1, Schedule 1 of QDCMP 3.4

<sup>60</sup> Section 39 of the BR

<sup>61</sup> Section 54 of the BR

<sup>62</sup> Section 40 of the BR

- is in the approved form
- is signed by the competent person giving the certificate
- states:
  - the basis for giving the certificate
  - the extent to which the competent person relied on tests, specifications, rules, standards, codes of practice or other publications have been relied upon<sup>63</sup>

Both persons must be deemed a competent person (inspection) by the building certifier for the assessable work **prior** to undertaking the inspection.

The approved form for an aspect inspection certificate is [Form 12 - Aspect inspection certificate \(Appointed competent person\)](#).

A competent person (inspection) may accept and rely on an aspect inspection certificate from another competent person (inspection) without inspecting the work, subject to the following restrictions<sup>64</sup>.

### **Restrictions**

For **single detached class 1a buildings**, a competent person (inspection) can only accept an aspect inspection certificate from another competent person who is a:

- cadastral surveyor if the certificate is for the boundary clearance aspect or
- registered professional engineer if the certificate is for the reinforcement of footing system aspect.

For single detached class 1a buildings, the reinforcement of footing system aspect is:

- the reinforcement of footing system work
- the formwork and reinforcement for a slab<sup>65</sup>.

**Note:** A competent person (inspection) is limited to accepting certificates from these individuals for these aspects as only these individuals can be deemed a competent person<sup>66</sup> and only these individuals can issue an aspect inspection certificate<sup>67</sup>.

Additionally, for **single detached class 1a buildings** and **class 10 buildings or structures**, a competent person (inspection) cannot accept aspect inspection certificates for all aspects of the final stage<sup>68</sup> - the competent person (inspection) must physically inspect the work at this stage.

### **Receiving a QBCC licensee certificate (Form 43)**

A competent person (inspection) inspecting a **stage** of assessable building work may accept and rely on a QBCC licensee certificate from a **QBCC licensee** for an aspect of the stage of work<sup>69</sup>.

A QBCC licensee certificate must be in the approved form.

The approved form for a QBCC licensee certificate is [Form 43 - Aspect certificate \(QBCC licensee\)](#).

A competent person (inspection) may accept and rely on a QBCC licensee certificate from a QBCC licensee without inspecting the work, subject to the following restrictions<sup>70</sup>.

<sup>63</sup> Sections 75 and 77 of the BR

<sup>64</sup> Section 76 of the BR

<sup>65</sup> Section 35 of the BR

<sup>66</sup> Section 35 of the BR

<sup>67</sup> Section 74 of the BR

<sup>68</sup> Section 52 of the BR

<sup>69</sup> Section 52(4) of the BR

<sup>70</sup> Section 52 of the BR

## Restrictions

A building certifier can only accept a QBCC licensee certificate if:

- the work is for a single detached class 1a building or class 10 building or structure
- the licensee either:
  - carried out the work when holding a QBCC licence of an appropriate class
  - is able to give a QBCC licensee certificate for the work<sup>71</sup>.

**Note:** A competent person (inspection) can only accept QBCC licensee certificates in these instances as QBCC licensees can only issue certificates in these instances.<sup>72</sup>

Additionally, for **single detached class 1a buildings** and **class 10 buildings or structures**, a competent person (inspection) cannot accept certificates for all aspects of the final stage<sup>73</sup> - the competent person (inspection) must physically inspect the work at this stage.

## QBCC licensees

A QBCC licensee is a person who either:

- carries out aspect work while holding a QBCC licence of an appropriate class or
- is able to give a QBCC licensee certificate for the work<sup>74</sup>.

A QBCC licence is a licence issued under the Queensland Building and Construction Commission Regulation 2018 (QBCCR).

**Note:** As building certifiers are not licensed under the QBCCR, they are not QBCC licensees for the purposes of issuing QBCC licensee certificates.

Without being deemed a competent person, a QBCC licensee may provide a building certifier or a competent person (inspection) with a QBCC licensee certificate ([Form 43 - Aspect certificate \(QBCC licensee\)](#)), for aspect work where:

- the work is for a single detached class 1a building or class 10 building or structure
- the licensee either:
  - carried out the work when holding a QBCC licence of an appropriate class or
  - is able to give a QBCC licensee certificate for the work<sup>75</sup>.

For all other aspect work (including work for all other building classes), a QBCC licensee must be deemed a competent person by the building certifier to provide design-specification help or inspection help. A QBCC licensee who is a competent person must follow the requirements of the BR described within this guideline and the inspection guidelines made under section 258 of the BA.

## Giving forms

### Giving a QBCC licensee certificate (Form 43)

For an **aspect** of building work, a QBCC licensee may give the building certifier or a competent person (inspection) a QBCC licensee certificate if:

- the work is for a single detached class 1a building or class 10 building or structure
- the licensee either:
  - carried out the work when holding a QBCC licence of an appropriate class or
  - is able to give a QBCC licensee certificate for the work<sup>76</sup>.

The QBCC licensee certificate must be in the approved form.

<sup>71</sup> Section 68 of the BR

<sup>72</sup> Sections 68-70 of the BR

<sup>73</sup> Section 52 of the BR

<sup>74</sup> Section 69 of the BR

<sup>75</sup> Section 70 of the BR

<sup>76</sup> Section 68 of the BR

The approved form for a QBCC licensee certificate is [Form 43 - Aspect certificate \(QBCC licensee\)](#).

**Note:** A QBCC licensee must not give a QBCC licensee certificate that the licensee knows, or reasonably suspects, is false or misleading in a material particular<sup>77</sup>.

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<sup>77</sup> Section 71 of the BR