



Building newsflash

New and amended forms for the *Building Act 1975* and *Integrated Planning Act 1997*

Purpose

To advise updated forms supporting the *Building Act 1975* (BA) and *Integrated Planning Act 1997* (IPA) are now available on the Department of Infrastructure and Planning's website.

Background

Due to recent machinery of government changes and after consultation with building industry stakeholders, the current approved and recommended forms supporting the BA and IPA have been amended. The updated forms are now available on the department's website and will commence on **27 October 2008** with the exception of forms 7, 8, 9 and 10. Forms 7, 8, 9 and 10 support the operation of the building and development tribunals and will commence on **1 August 2008**. The existing forms are to be used until these commencement dates.

Minor changes to forms

The changes to the forms have been made in consultation with the Building Industry Consultative Group. The Building Industry Consultative Group is made up of key industry and government stakeholders who represent the interests of building certifiers and other building industry practitioners.

All forms have amended title blocks which reflect the change from the former Department of Local Government, Planning, Sport and Recreation to the Department of Infrastructure and Planning.

New forms 7 and 8

Two new forms have been introduced to support the operation of the building and development tribunals: *Form 7—Building and development tribunals' general referee statutory declaration* and *Form 8—Building and development tribunals' notice of election*.

Form 7 (statutory declaration) is required to be completed by referees and given to the chief executive before they sit as a member on their first tribunal. The declaration is effective for the three-year term of the referee. Form 8 (notice of election) allows a concurrence agency to be made a party to an appeal involving their conditions or direction to an assessment manager to refuse part of a development application.



Form 11

Form 11 has been amended to reflect the changes to the provisions about certificates of classification in the BA which commenced on 23 April 2008. A new section 7—*Alternative solutions* has been added to the form to accommodate the requirements for certificates of classification set out in section 103 of the BA. A new section 5—*Max no. of people* has been added to record the maximum number of people permitted to occupy the building and reference to the appeal provisions have been removed.

Forms 15 and 16

The informative notes on forms 15 and 16 have been amended to simplify their application. The signature blocks of each form have also been simplified to capture only the signature and date from the person responsible for giving the certificate.

Form 21

The section relating to details of non-compliance has been removed from this form. This section was seen to be in direct conflict with the intended purpose of the form to confirm that building work complied with the building approval.

Categories of forms

Currently the forms on the department's website are split into two categories—'mandatory' and 'recommended'. The first category has been changed to 'approved' to be consistent with the terminology in the building legislation.

Approved forms—how do they operate?

Approved forms are those required to be used when a section in the BA, Building Regulation 2006 (BR) or IPA requires an approved form to be used. For example, section 48 of the BR requires a certificate from a competent person (form 15 or 16) must be in the approved form.

Approved forms	
Form number	Title
7	Building and development tribunals' general referee statutory declaration
8	Building and development tribunals' notice of election
9	Application to vary the <i>Building Act 1975</i>
10	Building and development tribunals' appeal notice
11	Certificate/interim certificate of classification
13	Application for certificate of classification for a building or structure built before 30 April 1998/change of classification
15	Compliance certificate for building design or specification
16	Inspection certificate/aspect certificate/QBSA licensee aspect certificate
17	Final inspection certificate—swimming pools/swimming pool fencing
18	Notice to the owner that a private certifier has been engaged
19	Request for building information
20	Lodgement of building work documentation
21	Final inspection certificate
22	Notice of discontinuance of engagement



Recommended forms—how do they operate?

Recommended forms are those that are generally referred to in the BA or BR as notices. For example, section 33 of the BR requires that a person must give the builder a non-compliance notice (form 61) if a stage of building work does not comply with the building development approval. Because there is no reference to the notice being in an approved form, the use of form 61 is recommended only.

Recommended forms	
Form number	Title
56	Notice to the local government that a private certifier has been engaged
57	Reminder notice for the lapsing of an approval
58	Notice for inspection for a stage of building work
59	Notice to inspect/test special fire service
60	Notice to referral agency to inspect
61	Non-compliance notice

Legislation

Building Act 1975, section 254—Approved forms

Integrated Planning Act 1997, section 5.9.1—Approved forms

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