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## Building and Plumbing Newsflash 636

### Competent persons

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Learn about the importance of competent persons under the *Building Act 1975* to fulfil their roles and responsibilities when providing design-specification or inspection advice to a building certifier.

### Who are competent persons

The Building Regulation 2021 (BR) enables competent persons to assist building certifiers perform building certifying functions.

Competent persons are specialist building industry practitioners, who, in the opinion of the building certifier, are competent to practice in the design, building or inspection of building work resulting from their skill and experience in that aspect.

### The types of competent persons

There are two types of competent persons:

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

Examples of competent persons include, but are not limited to, Registered Professional Engineers, mechanical service specialists, termite management installers and waterproofing installers.

### General information about competent persons

An individual intending to provide inspection help to a building certifier must be deemed a competent person by the building certifier before undertaking the inspection. When providing design-specification help, an individual may be deemed competent by the building certifier either before or after giving the help, but before the certifier can accept their certificate.

To be deemed competent, an individual must provide sufficient evidence to the certifier to enable a thorough assessment of their competency. The assessment requirements are set out in the BR and involve verifying the individual's professional registrations, licences, or other qualifications, as well as a comprehensive evaluation of their experience, skills, and expertise. Building certifiers must have regard to the Guideline for the assessment of competent persons when assessing and deciding who is a competent person.

It is important to note; a competent person must be an individual and cannot be a company or corporation.

When providing documents to builders and building certifiers, competent persons should ensure they are provided in a timely manner to facilitate the smooth and uninterrupted progress of building work. It is an offence for a competent person to give a building certifier a document containing information that a competent person knows, or reasonably suspects, is false or misleading in a material particular.

## Competent persons who give design-specification help to certifiers

*Design-specification help* refers to assistance provided to a building certifier for any material, system, method of building or other thing related to the design of or specifications for building work.

A building certifier must assess and decide to appoint an individual as a competent person **before** they can accept design-specification help.

Competent person certificates for **design-specification work**:

- must be signed and in the approved form, [Form 15](#).
- may be given to a building certifier.

## Competent persons who give inspection help to certifiers

*Inspection help* refers to assistance provided to the building certifier for the inspection of an aspect or a stage of building work.

The certifier must assess and decide to appoint an individual as a competent person (inspection) **before** the competent person undertakes the inspection.

Competent persons must carry out inspections in accordance with best industry practice and the applicable inspection guidelines (either the [Guidelines for inspection of class 1 and 10 buildings and structures](#) or [Guidelines for inspection of class 2 to 9 buildings](#)).

It is imperative that a competent person has access to the building approval documentation when undertaking inspections, as their assessment involves determining whether the building work is complete and whether it complies with the building development approval.

Competent person certificates for **inspection aspects**:

- must be signed and in the approved form, [Form 12](#).
- may be given to a building certifier after the work has been inspected and the competent person is satisfied that the aspect is complete & complies with building development approval.

Competent person certificates for **inspection stages that do not comply**:

- must be signed and in the approved form, [Form 62](#)
- must be given to the builder and the building certifier after the work has been inspected.

Competent person certificates for **inspection stages that comply**:

- must be signed and in the approved form, [Form 16](#)
- must be given to the builder after the work has been inspected and the competent person is satisfied that all relevant aspects of the stage are complete and comply with building development approval.

\*Note restrictions apply to who can be appointed as a competent person and who can sign a stage inspection certificate in some circumstances where the work is for a single detached class 1a building and class 10 buildings or structures. These restrictions are listed in the [inspection guidelines](#).

## An example to illustrate the competent person process

*In this example, an engineer has been called upon to undertake a frame **aspect** inspection for a new class 1a dwelling that is being constructed under a building development approval.*

Before undertaking the inspection, the engineer must check with the building certifier whether they have been deemed competent to undertake the inspection. If they haven't, as part of this process the Registered Professional Engineer must then provide evidence of their competency (eg, RPEQ registration certificate and resume outlining work experience, skills, qualifications and other relevant professional memberships).

Once assessed and deemed a competent person by the building certifier, the Registered Professional Engineer, can undertake the frame **aspect** inspection. The inspection must be conducted in accordance with best industry practice and the [Guidelines for inspection of class 1a and 10 buildings and structures](#).

Where the Registered Professional Engineer is satisfied that the frame **aspect** is complete and complies with the building development approval, they then complete a [Form 12](#) and provide a copy of the form to the building certifier.

A building certifier may accept and rely on the competent person's certificate if the competent person's certificate and inspection comply with the BR requirements for certificates and inspections.

Once satisfied with the competent person's certificate and the inspection, and once satisfied that all relevant aspects of the stage have been completed and comply with the building development approval, the building certifier may issue a *Stage Certificate* ([Form 16](#)) to the builder, confirming that the frame stage of construction has been completed in accordance with the building development approval and relevant standards. This certificate allows the builder to proceed to the next stage of construction.

## More information

Detailed information about the roles and responsibilities of competent persons and about undertaking inspections is available in the following guidelines:

- [Guideline for the assessment of competent persons](#)
- [Guidelines for inspection of class 1a and 10 buildings or structures](#)
- [Guidelines for inspection of class 2 to 9 buildings](#)

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Building Policy  
Department of Housing and Public Works  
Email: [buildingpolicy@hpw.qld.gov.au](mailto:buildingpolicy@hpw.qld.gov.au)

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