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Dedicated to a better Brisbane

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Infrastructure, Planning and Natural Resources Committee
Queensland Parliamentary Service

By Email: ipnrc@parliament.qld.gov.au

Dear Committee

Local Government Electoral (Transparency and Accountability in Local Government) and Other Legislation Amendment Bill 2016

I refer to the Infrastructure, Planning and Natural Resources Committee (**Committee**) hearing on the *Local Government Electoral (Transparency and Accountability in Local Government) and Other Legislation Amendment Bill 2016* held on 17 February 2017.

During the hearing the Committee Chair, Mr Jim Pearce MP asked the following question:

"I am interested in the comments you have made around the activities of private certifiers and, from my own experiences as a local member, I have some concerns about some of the things that I am hearing. Are private certifiers audited or monitored in any way to make sure that they are applying and doing their work in accordance with the act?"

During the hearing, I provided my understanding of how private building certifiers were regulated by the QBCC, but stated that I would take the question on notice to clarify my response.

In short:

- (a) A private building certifier is regulated by the QBCC.
- (b) This regulation includes undertaking audits of the private certifiers work against the requirements of the relevant acts and undertaking investigations in relation to complaints made against private building certifiers.
- (c) In relation to the audit process, I understand that it is a matter for the QBCC as to the frequency in which particular audits are undertaken.
- (d) These audits and investigations can result in disciplinary action being undertaken.

The following provisions of the *Building Act 1975* (BA) provide the legal basis for the above response

- (a) Chapter 6 of the BA sets out the provisions which relate to private certifiers and other building certifiers. Of particular relevance the regulation of the performance of building certifying functions.

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- (b) Section 133 (Additional functions of QBCC for building certification) of the BA relevantly provides as follows:

“As well as its functions under the Queensland Building and Construction Commission Act 1991, QBCC has the following functions under this Act—

(a) under part 3, to license individuals as building certifiers and give private certification and development approval endorsements;

(b) to monitor compliance with this chapter by building certifiers;

(c) to carry out audits of building and private certifying functions;

(d) under part 3, to investigate written complaints made to it about alleged unsatisfactory conduct or professional misconduct by building certifiers or former building certifiers;

(e) to take disciplinary action against building certifiers or former building certifiers for unsatisfactory conduct or professional misconduct;

...”

- (c) Section 199 (Power to enter and inspect building site relating to complaint or audit) of the BA provides that an auditor may enter and inspect a building site to which the complaint or audit relates.
- (d) Section 204 (Decision after investigation or audit completed) of the BA provides that after investigating a complaint or conducting an audit, QBCC must decide whether or not the building certifier has engaged in unsatisfactory conduct or professional misconduct.

Yours faithfully



James Langham
Solicitor

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