

**Question on Notice
No. 1919
Asked on 5 October 2010**

MS STUCKEY ASKED THE MINISTER FOR PUBLIC WORKS AND INFORMATION AND COMMUNICATION TECHNOLOGY (MR SCHWARTEN)—

QUESTION:

With reference to the BSA—

- (1) As at 30 June 2009 and 30 June 2010, how many BSA licensed building certifiers were private certifiers (listed separately)?
- (2) How many complaints were received in 2008-09 and 2009-10 against (a) private and (b) non-private certifiers and how many subsequent investigations were carried out (reported separately)?
- (3) What was the average timeframe for all complaints in 2008-09 and 2009-10 to be investigated and finalised (reported separately by financial year)?

ANSWER:

The Queensland Building Services Authority (BSA) licences both private and non-private certifiers, including local government certifiers. Certifiers who hold Professional Indemnity Insurance are considered to be private certifiers whether or not they work for a local or state authority. Those certifiers who are not private certifiers usually work in regulatory areas and not certification. Many local governments have opted out of providing certification services particularly in more densely populated areas.

(1) Certifiers (Private and Non-Private as at 30 June 2009 and 30 June 2010)

Year	Private Certifiers		Non-Private Certifiers		Total
2009	Building Surveyors	188	Building Surveyors	8	384
	Assistant Building Surveyors	150	Assistant Building Surveyors	29	
			Building Surveying Technicians	9	
	Total Private Certifiers	338	Total Non-Private Certifiers	46	
2010	Building Surveyors	186	Building Surveyors	8	375
	Assistant Building Surveyors	145	Assistant Building Surveyors	28	
			Building Surveying Technicians	8	
	Total Private Certifiers	331	Total Non-Private Certifiers	44	

(2) Complaints Received against Certifiers (Private and Non-Private) and investigations finalised as at 30 June 2009 and 30 June 2010

Year	Complaints Received		Complaints Finalised*		Complaints under Investigation*	
2009	Private	84	Private	53	Private	70
	Non-Private	1	Non-Private	1	Non-Private	0
	Total	85	Total	54	Total	70
2010	Private	127	Private	103	Private	94
	Non-Private	0	Non-Private	0	Non-Private	0
	Total	127	Total	103	Total	94

*Includes complaints outstanding from previous year.

I note the Shadow Minister's comments that the BSA had failed in its primary duty of regulating the industry to protect consumers.

The almost 50% increase in complaints against certifiers received by BSA from 2009 to 2010 demonstrates just how out of touch the Shadow Minister is with the construction industry. The increase in consumer complaints clearly illustrates how effective BSA Consumer Information Seminars have been in educating consumers of their rights and responsibilities.

(3) Timeframe for finalisation of complaints

The average timeframe for all complaints to be investigated and finalised are:

- 2008-09 – 200 business days
- 2009-10 – 155 business days.

To ensure consistency and fairness to all parties, the BSA has developed clear guidelines for dealing with complaints against certifiers.

1. Upon receipt of a complaint, the complaint is subject to a preliminary assessment whereby BSA attempts to identify whether or not the nature of the complaint is sufficiently described and whether or not the complaint has been made against an individual who is (or was previously) licensed as a building certifier.
2. BSA then acknowledges the complaint by writing to the complainant and if further particulars are required BSA notifies the complainant of what additional particulars may be required. If further particulars are required, BSA may decide to hold the complaint in abeyance pending receipt of the further particulars requested.
3. If BSA is satisfied that the complaint has been made against an individual who is (or was previously) licensed as a building certifier and does not need to await the furnishing of further particulars from the complainant, BSA notifies the certifier of the complaint and invites them to make representation about the complaint. Presently, certifiers are given a time period of 30 days to make representations about a complaint.

Note: Generally, an investigation will not commence until such time as the certifier has been given an opportunity to make representations about the complaint.

4. When commenced, a typical investigation may involve the following:
 - (a) Assessing the documentary evidence provided by the complainant to clearly determine the allegations raised.
 - (b) Assessing any written representations made by the certifier or other documentation provided by the certifier when responding to BSA about the complaint.
 - (c) Referencing and assessing the application of any particular code or other document that may be relevant to the complaint, including but not limited to local government planning schemes, local laws, resolutions of local government, planning scheme policies, the Building Code of Australia, Australian Standards, the Queensland Development Code, current and superseded legislation inclusive of the *Building Act 1975*, *Building Regulation 2006*, *Sustainable Planning Act 2009*, *Sustainable Planning Regulation 2009*, *Integrated Planning Act 1997*, *Integrated Planning Regulation 1998* and the *Standard Building Regulation 1993*.

- (d) Contacting the complainant and/or the certifier to question each party about the allegations raised and to obtain any further information that might assist BSA with its investigations. Where necessary, formal interviews or meetings with either party may be carried out (either by telephone or in person which may be on-site or within BSA's Head Office).
 - (e) Contacting and questioning other parties, including home owners, builders, local government representatives (town planners and other certifiers).
 - (f) Forwarding correspondence to the complainant, the certifier or to any other party, including but not limited to local government authorities, to request any specific documentation that might be considered necessary.
 - (g) When necessary, undertaking inspections of the building work which is the subject of the complaint.
 - (h) When necessary, engaging and liaising with other industry experts, including town planners and engineering professionals.
 - (i) When necessary, attending local government authorities to review file documentation held by local government which may be relevant to the specific complaint.
5. Upon completion of the investigation, BSA makes a decision on the complaint and forwards an information notice of BSA's decision to the complainant and the certifier.
 6. If BSA makes the decision that the certifier has engaged in "professional misconduct" it must make application to the Queensland Civil and Administrative Tribunal (QCAT) to commence disciplinary proceedings against the certifier.
 7. BSA's decisions may also be reviewed by the complainant or the certifier within QCAT and on a number of occasions review proceeding by complainants and certifiers are initiated.