

BUILDING SERVICES AUTHORITY MIDYEAR FINANCIAL REPORT ON BUILDING CERTIFICATION

DECEMBER 2002

Purpose

The purpose of this report is to provide general and statistical information about building certification from the perspective of the Building Services Authority (the Authority) as the accrediting body. It is intended that this information will be beneficial to the building certification industry and to development industry stakeholders.

Background

The Authority is a self-funded statutory body established under the *Queensland Building Services Authority Act 1991*. The Authority was authorised to be the accrediting body under section 111 of the *Standard Building Regulation 1993* (the SBR). More information about the Authority as the accrediting body can be found on the web site at <http://www.bsa.qld.gov.au/certification/general/role.htm>.

In the course of carrying out its complaint investigation and audit function, the Authority observed common patterns of conduct and general issues worthy of note. The Authority often considers it prudent to publicise these issues in order for them to be understood and ultimately addressed through greater industry awareness.

Structure

The Authority's accreditation, complaint and audit functions are administered by the following resource structure:

Resource	BSA Designation
Manager – Complaints and Audits	Research and Review Section
Senior Building Research and Investigation Officer	Research and Review Section
Building Research and Investigation Officer	Research and Review Section
Administration Support-Certifier Accreditation, Complaints and Audits	Research and Review Section

Statistical Information

The following tables are a statistical breakdown of the complaint, audit and general functions of building certification from the inception of building certification in May 1998 up to and including 31 December 2002.

Number of Building Certifiers

Type	Number
Building Surveyor (PC)	125
Building Surveyor (no PC)	20
Assistant Building Surveyor (PC)	162
Assistant Building Surveyor (no PC)	38
Building Surveying Technician	22
Total	367

PC = Private Certifier Endorsement.

Audits Conducted

Type	Number
Random	266
Complaint Driven	2
Total	268

Complaint Type

Type	Number
Town Planning	146
Technical (BCA)	15
Standard Building Regulation	91
Conflict of Interest	13
Code of Conduct	7
Total	272

Complaint Source

Local Government	General Public	Queensland Fire & Rescue
269	62	1

Discipline Outcomes

Guilty	No further action	31
	Reprimand	78
	Caution	34
	Direction	1
	Condition	4
	Suspension	0
Not Guilty	No further action	76
	Recommendation	7
Withdrawn by complainant		10
Withdrawn insufficient evidence		17

Complaint Status

Type	Number
Finalised Complaints by BSA	260
Current Complaints (< 30 days old)	0
Current Complaints (> 30 days old) includes outstanding appeals	79
Total	339

BSA Decisions Appealed to Chief Executive

Type	Number
Not Decided	28
Decision Reversed	11
Decision Upheld	29
Total	68

General Issues

Complaints

The statistics show town-planning issues are still the source of most complaints. Problems arise when other approvals relating to planning schemes are not obtained or when the schemes are incorrectly interpreted. The complainants are predominantly local governments, however, there are instances where affected parties, such as adjacent property owners, lodge complaints against the certifier involved.

The next most common complaint relates to non-conformity with the provisions of the *Standard Building Regulations* (SBR). The items contained in schedule 6 of the SBR, specifically the provisions relating to the siting of buildings, are the main cause of complaint. Again, local governments are the predominant complainants however, in some cases, matters are brought to the attention of local governments by constituents.

Audit Information

In addition to complaint investigation the Authority has a statutory obligation under Section 29 (1) (e) of the *Building Act 1975* to: *carry out audits of work by building certifiers;*

Audits fall into two categories being random or as a result of a proven complaint. On publication of this report, the Authority has successfully completed 268 audits.

The Authority plans to audit all building certifiers every two and half to three years.

Since 2000, the Authority has completed audits along the entire east coast of Queensland. A major program is now underway to conduct audits in the southeast corner of the State. The Authority plans to audit all practicing certifiers in the region within the next financial year.

Audit Results:

While the standard of documentation being kept by certifiers, has improved significantly in the past 12 months, some areas are still deficient. For example:

- Site-specific information is not being obtained and documented eg.
- Easement information (more detail ie 'lack of accurate easement information')

Decision notices are a mandatory document and require certain information to be recorded

- Sufficient appeal information is not being attached
- Applicable codes to the application are not being stated
- Other approvals required are not being stated

General

Selection of competent persons used by certifiers is still being poorly documented

Check sheets are not being updated to reflect changes to BCA, SBR or other relevant legislation. The use of check sheets is not a mandatory requirement however the Authority believes they are a useful tool in ensuring accountable decision making.

Although not mandatory it is in the interests of building certifiers to develop processes to ensure documentation is being received by local authorities.

The Authority has also noted that few certifiers are documenting and clearly indicating that they have confirmed boundary clearances or that building set outs are in accordance with those approved.

Other Matters.

The Authority in conjunction with Building Codes Queensland (Department of Local Government and Planning) has completed its participation in the review of Building Certification, conducted throughout Queensland by the Local Government Association of Queensland. Recommendations have been made to the responsible minister. Recently the Authority participated in a review of the Building Act as part of the Commonwealth Government National Competition Policy Review. The Review resulted in the Public Benefits Test. The Review report is yet to be released by the Minister concerned.

The Authority has recently reviewed its procedures manual to meet its obligations under Section 29 (j) (iii) of the *Building Act 1975*.

In other developments, the South Australian Building Advisory Committee has asked the Authority to provide input into the South Australian model for certification, complaint and audit functions.