



FAQ Building Regulation 2021

The following FAQs regarding the changes to BR2021 implemented on Sept 1, 2021 were collated by peak industry bodies and put to DEPW to DEPW. Below is a summary of responses to these FAQs.

The FAQs follow three main themes: transitional requirements; forms to be used and stages. Please note pre filled copies of the new forms can be found in the downloads section of our website.

TRANSITIONAL REQUIREMENTS		
“Old forms” refer to those forms in effect immediately prior to 1 September 2021		
1.	Can the old forms signed by a competent person or QBCC licensee prior to 01/09/21 be accepted by the building certifier after 01/09/21?	<ul style="list-style-type: none">• Yes. As these were signed before 1 September 2021, they are able to be accepted by the building certifier.• Forms that were signed off prior to 1 September 2021 are still valid forms as they were signed prior to the new and revised BR 2021 forms coming into effect.
2.	Can the old forms be accepted by the building certifier when a competent person or QBCC licensee signs and provides a certificate after 01/09/21, as works continue on the project?	<ul style="list-style-type: none">• The relevant forms are those that were valid at the time they were originally signed.• Forms signed on or after 1 September 2021, should be the current forms published on the Business Qld website: Building forms Business Queensland. However, while not ideal a building certifier could accept the previous version of the forms as this would amount to substantial compliance which is sufficient from a legal perspective.
3.	Where a building certifier has accepted and has on record the signed forms from a competent person or QBCC licensee prior to 01/09/21, are those forms still satisfactory?	<ul style="list-style-type: none">• If the previous versions of the forms (those in effect immediately before 1 September 2021) were signed prior to 1 September 2021, then those forms are remain valid.
4.	What must be done in respect of work that had been completed prior to 1 September 2021 but for which occupancy had not yet been authorised?	<ul style="list-style-type: none">• If occupancy hasn't yet been authorised due to outstanding forms, the certifier can accept old forms that were signed prior to 1 September 2021 as the forms were still valid when they were signed prior to the BR 2021 coming into effect.• Forms signed on or after 1 September 2021, should be the current forms published on the Business Qld website: Building forms Business Queensland. However, while not ideal a building certifier could accept the previous version of the forms as this would amount to substantial compliance which is sufficient from a legal perspective.
5.	What must be done in respect of work that had been approved prior to 1 September 2021 but not yet commenced?	<ul style="list-style-type: none">• For building development applications approved before 1 September 2021, the certifier can accept old forms that were signed before 1 September 2021 as they were

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TRANSITIONAL REQUIREMENTS		
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6.	What must be done in respect of work that had been approved and commenced prior to 1 September 2021 but is yet to be completed?	<p>valid forms when signed before the BR 2021 came into effect.</p> <ul style="list-style-type: none">Forms signed on or after 1 September 2021, should be the current forms published on the Business Qld website: Building forms Business Queensland. However, while not ideal a building certifier could accept the previous version of the forms as this would amount to substantial compliance which is sufficient from a legal perspective.
7.	When the building development application was made prior to 01/09/21 and was approved on or after 01/09/21 can the old forms be accepted by the building certifier if a competent person or QBCC licensee signs and provides a certificate?	<ul style="list-style-type: none">Forms signed on or after 1 September 2021, should be the current forms published on the Business Qld website: Building forms Business Queensland. However, while not ideal a building certifier could accept the previous version of the forms as this would amount to substantial compliance which is sufficient from a legal perspective.
8.	What must be done in respect of applications lodged prior to 1 September 2021 that were still under assessment after 1 September 2021?	<ul style="list-style-type: none">For building development applications that were undecided on 1 September 2021, the certifier’s approval should require current forms be provided for the various aspects/stages.Old forms that were signed prior to 1 September 2021 can be accepted as they were valid forms when they were signed prior to the BR 2021 coming into effect.Forms signed on or after 1 September 2021, should be the current forms published on the Business Qld website: Building forms Business Queensland. However, while not ideal a building certifier could accept the previous version of the forms as this would amount to substantial compliance which is sufficient from a legal perspective.
9	Can a building certifier accept either a Form 16 or Form 43 for building approvals prior to 1 September 2021 or can the building certifier only accept the old form?	<ul style="list-style-type: none">The appropriate form to use depends on the date that the form was signed, not the date of the building approval.For building development applications approved prior to 1 September 2021, the certifier must accept old forms where the forms were signed prior to 1 September 2021 as they were the approved form before the BR 2021 came into effect.Forms signed on or after 1 September 2021, should be the current forms published on the Business Qld website: Building forms Business Queensland. However, while not ideal a building certifier could accept the previous version of the forms as this would amount to substantial compliance which is sufficient from a legal perspective.
10.	Can the building certifier issue a Form 16 for a stage on the new form for a job approved prior to 1	<ul style="list-style-type: none">The appropriate form to use depends on the date the form was signed, not the date of the building approval.



TRANSITIONAL REQUIREMENTS		
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	September 2021 or must they use the old Form 16?	<ul style="list-style-type: none">For building development applications approved prior to 1 September 2021, the certifier must accept old forms where the forms were signed before 1 September 2021 as they were the approved form at the time.Forms signed on or after 1 September 2021, should be the current forms published on the Business Qld website: Building forms Business Queensland. However, while not ideal a building certifier could accept the previous version of the forms as this would amount to substantial compliance which is sufficient from a legal perspective.
11.	If decisions about competent persons are unable to be made ahead of the performance of an aspect of work, must the building certifier directly inspect the aspect before issuing a Form 16 inspection certificate?	<ul style="list-style-type: none">A certifier cannot rely on an aspect certificate issued by a person who has not been deemed as a competent person (inspections) at the time of inspection.If the person is providing <i>inspection</i> help, the certifier must undertake an inspection before issuing the Form 16 as the certifier has not deemed the person to be a competent person <u>before</u> the person undertook the inspection.

CERTIFIERS		
“Old forms” refer to those forms in effect immediately prior to 1 September 2021		
12.	Can a building certifier decide that another building certifier is a competent person for an aspect of work?	<ul style="list-style-type: none">Where a secondary certifier is undertaking an <u>aspect</u> inspection for a primary building certifier, the primary building certifier <u>must</u> deem the secondary certifier a competent person prior to accepting a Form 12 aspect certificate from them. In this situation, the secondary certifier is a “competent person (inspections)”.For a <u>stage</u> inspection, the primary certifier does not need to deem the secondary certifier a competent person. The secondary certifier can issue a Form 16 for the stage. In this situation, the secondary certifier is an “inspecting person”.To issue a Form 16 for a stage, the certifier must be satisfied that all aspects are complete and comply with the building development approval.Part 6 of the BR2021 sets out the requirements for deeming a person a competent person.
13.	Can a QBCC Nominee Supervisor sign a Form 43 or Form 12 on behalf of a Company using their personal QBCC Nominee Supervisor Licence Number or should it be signed under the Company's QBCC Licence Number.	<p><u>Form 43 - Yes</u></p> <ul style="list-style-type: none">Where the person did not undertake the work, the person can only issue a Form 43 QBCC licensee certificate if their licence scope of works permits it under the QBCC Regulation.A person is defined as a person or a corporation under the <i>Acts Interpretation Act</i>, therefore the Form 43 can be issued by either a licensed person or a licensed corporation.



CERTIFIERS

“Old forms” refer to those forms in effect immediately prior to 1 September 2021

Form 12 - No

- To issue a Form 12, the BR 2021 requires the individual to be deemed a competent person by the building certifier.
- An individual is defined as a natural person under the Acts Interpretation Act; therefore, a corporation cannot issue a Form 12.

COMPETENT PERSONS

“Old forms” refer to those forms in effect immediately prior to 1 September 2021

14.	Can a building certifier rely on a QBCC licensee as competent, or do they need to re-assess their competencies and place them on the Competent Person Register?	<ul style="list-style-type: none">• A building certifier can accept a Form 43 - QBCC licensee certificate for a single detached class 1a building or class 10 building or structure where the licensee has either carried out the work or is able to give a certificate for the work.• For class 2-9 buildings, a QBCC licensee needs to be assessed as a competent person to sign a Form 12.• It is good practice for the building certifier accepting and relying on a Form 12 to check that the QBCC licensee giving the form holds the appropriate (and valid) licence class for the aspect work, and the information contained within the form is correct.
15.	The BR 2021 indicates a building certifier needs to nominate a competent person, whereas the industry practice, to date, usually has surveyors and engineers do the inspections then provide the signed form to the building certifier who do not know who they are until after the fact.	<ul style="list-style-type: none">• The requirement to appoint a competent person has not changed.• The competent person framework ensures that certifiers are satisfied that an individual is competent to give inspection help, having regard to the individual's experience, qualifications and skills, and where required, the individual's registration or license.• A competent person cannot give inspection help to a building certifier until they have been appointed as a competent person by the building certifier• BR2021 reconfirms current practice that the certifier must deem a surveyor or engineer a competent person before they can undertake an inspection and the certifier can accept their Form 12 - Aspect Inspection Certificate.
16.	Please clarify the concept of "Appointed Competent Persons for Inspection Help" as outlined under the BR 2021 with particular regard to engineers and cadastral surveyors.	<ul style="list-style-type: none">• Certifiers must deem engineers and cadastral surveyors as competent persons before the engineer or surveyor can undertake an inspection and/or issue a Form 12 - Aspect Inspection Certificate.• To issue a Form 12, a competent person must be satisfied that the aspect is complete and complies with the building development approval.

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COMPETENT PERSONS		
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		<ul style="list-style-type: none">The requirement and process to appoint a competent person has not changed.
17.	Are there any appeal processes available to persons in relation to the decision of a building certifier regarding the appointment (or not) of a person of as competent person (design and/or inspection help)?	<ul style="list-style-type: none">The BR 2021 does not provide an appeal process for persons who are not deemed competent by a building certifier.
18.	What safeguards are in place to prevent the discontinuance of a certifier's engagement because of their decision to query, or not to accept a person as an appointed competent person?	<ul style="list-style-type: none">The building certifier's Code of Conduct sets the standards of conduct and professionalism expected from certifiers. The Code of Conduct requires certifiers to comply with the legislative requirements that regulate or govern certifiers in their performance of their duties.When deeming competent persons, a certifier must follow the legislative requirements and consider their obligations under the Code of Conduct.It is considered unlikely that the process of deeming competent persons will delay building development approvals, causing an applicant to discontinue their engagement with the certifier.However, all parties to an engagement have the ability to disengage at any time.
19.	Does a QBCC licensee have to be assessed as a competent person to sign a Form 12 for all building classifications other than single detached class 1a and class 10 building and structure?	<ul style="list-style-type: none">Yes. A QBCC licensee has to be assessed as a competent person for a building certifier to accept a Form 12 for all building classifications other than single detached class 1a and class 10 building and structures.This requirement to appoint a competent person has not changed.Part 6 of the BR2021 sets out the requirements for deeming a person a competent person.
20.	Is the QBCC licence itself, the only evidence required for the Building certifier to assess that the licensee is competent?	<ul style="list-style-type: none">No. A competent person must hold a relevant registration, licence or other qualification and also be assessed as a competent person by a building certifier in consideration of their experience, qualifications and skills and the certifier must be satisfied the individual is competent to give the help.This requirement to appoint a competent person has not changed.Part 6 of the BR 2021 sets out the requirements for deeming a person a competent person.
21.	Can the top of the Form 12 or the appendix include some simple guidance for the building classifications to which it will apply?	<ul style="list-style-type: none">Form 12 can be used for all building classifications which is why none are specified on the form.

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COMPETENT PERSONS “Old forms” refer to those forms in effect immediately prior to 1 September 2021		
22.	<p>Is a Form 12 only to be used by an engineer and a surveyor on a single detached class 1a structure?</p> <p>Section 74 of the BR 2021 does not clarify if there are any other circumstances where a Form 12 would be used?</p>	<ul style="list-style-type: none">• A Form 12 is not limited to an engineer and a surveyor.• In line with the requirements outlined under Part 6 of the BR 2021, this form may be used by anyone assessed by the building certifier to be a competent person• BR 2021, s74 clarifies for specific aspect inspections the type of competent person (qualifications, registration etc) who is able to undertake the inspection.

BUILDERS “Old forms” refer to those forms in effect immediately prior to 1 September 2021		
23.	<p>In relation to Form 12:</p> <ul style="list-style-type: none">• Can a builder still undertake a site set out?• Can a certifier sign off on the site set out?	<ul style="list-style-type: none">• A building certifier can only accept a Form 12 for a site set out, if the aspect (set out inspection) was undertaken by a cadastral surveyor as the appointed competent person under the BR 2021 (section 35 of BR 2021).• However, the building certifier can undertake the inspection all the aspects of the first stage of mandatory inspections for a detached Class 1a dwelling and issue the Form 16.
24.	<p>What are the forms required for a detached class 1a building and an attached class 1a building?</p>	<ul style="list-style-type: none">• The forms to use for a single detached dwelling are identified on the form (i.e., Form 12, Form 43).• Attached class 1a and class 1b buildings are to be addressed similarly to class 2-9 buildings (i.e., Form 12).

FORM 12 – Aspect Inspection Certificate (Appointed Competent Person) “Old forms” refer to those forms in effect immediately prior to 1 September 2021		
25.	<p>Is a Form 12 required for electricians after installing smoke alarms?</p>	<ul style="list-style-type: none">• Yes. A Form 12 can be issued by an approved competent person (approved by the building certifier) after inspecting an aspect of the work or a stage.• The Form 12 can be used by the building certifier to assist to finalise a stage of the building work.
26.	<p>Can Form 12 be used by people such as electricians who are not licenced by the QBCC and also for engineers who have inspected a slab or a frame?</p>	<ul style="list-style-type: none">• Yes. Electricians can use a Form 12 for an aspect such as energy efficient lighting and engineers can use Form 12 for an aspect of the stage e.g., reinforcement, where the building certifier signs the Form 16 for the stage.



FORM 16 – Inspection certificate “Old forms” refer to those forms in effect immediately prior to 1 September 2021		
27.	Is Form 16 only for certifiers or other professionals that the certifier has appointed to do an inspection or to check the compliance of the work? e.g., the certifier who issued the building approval, a certifier doing an inspection on behalf of another certifier, an engineer doing a foundation inspection, or an engineer checking that some retrospective work appears to comply?	<ul style="list-style-type: none">• Form 16 a <u>stage inspection certificate</u> for use by<ul style="list-style-type: none">• a competent person (approved by the building certifier),• another building certifier or• the relevant building certifier when inspecting a stage of the work (either a mandatory stage for a Class 1a or 10 and/or listed on the building development approval for any class of building)• Only a building certifier can sign off the inspection of the reinforcement for the pre footings/slab stage and the final stage.
28.	Why is Form 16 now only for class 2-9 buildings as well as class 1a & 10 when inspecting work?	<ul style="list-style-type: none">• A Form 16 is used to sign off a stage of the work for all building classes.
29.	If works on-site and Form 16's from a licensed trade (e.g., electrician) were completed before 1 September 2021, would the old Form 16 still be compliant and able to be used for the overall certification of a dwelling/dwellings? or does the old Form 16 need to be converted into a new Form 43?	<ul style="list-style-type: none">• A building certifier may accept the old forms if they were signed by a competent person or QBCC <u>licensee prior to 1 September 2021</u>.• The relevant forms are those that were valid at the time they were originally signed.• The signed old Form 16 does not need to be converted into a new Form 43.• Forms signed on or after 1 September 2021, should be the current forms published on the Business Qld website: Building forms Business Queensland. However, while not ideal a building certifier could accept the previous version of the forms as this would amount to substantial compliance which is sufficient from a legal perspective.
30.	Can an engineer acting as an appointed competent person issue a Form 16 for frame and masonry block reinforcing stage's or do they simply issue a Form 12 authorising the work to proceed?	<ul style="list-style-type: none">• For the frame stage, the certificate to be issued depends upon whether the engineer is inspecting an <u>aspect</u> of the frame or the frame <u>stage</u>.• Firstly, to be an inspecting person under the BR2021, the engineer has to be deemed a competent person by the building certifier.• An engineer deemed competent, can undertake a stage inspection and can issue a Form 16 when satisfied all aspects of the stage are complete and comply with the building development approval.• An engineer deemed competent, can undertake an aspect inspection and can issue a Form 12 Aspect Inspection Certificate when satisfied the aspect is complete and complies with the building development approval.• A Form 12 cannot authorise work to proceed.

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FORM 16 – Inspection certificate “Old forms” refer to those forms in effect immediately prior to 1 September 2021	
	<ul style="list-style-type: none">Builders are prohibited from starting a new stage of building work without having received a certificate of inspection (Form 16) for the previous stage per s.49 of the BR 2021.

FORM 43 – Aspect Certificate (QBCC Licensee) “Old forms” refer to those forms in effect immediately prior to 1 September 2021		
31.	<p>Class 2 buildings - If a QBCC licensee is providing a certificate related to work performed on waterproofing in wet areas of a Class 2 building, can a building certifier rely on that certificate in the same way that they can for the same work on a detached Class 1a building?</p> <p>What is the process to be followed for accepting inspection help from a QBCC licensee for work other than detached Class 1a?</p>	<ul style="list-style-type: none">For work other than a class 1a, a certifier <i>can</i> rely on a certificate issued by a QBCC licensee for an aspect of work such as waterproofing <u>provided the certifier deems the QBCC licensee as a competent person prior to issuing the certificate.</u>Part 6 of the BR 2021 sets out the requirements for deeming a person a competent person.Once deemed a competent person, the certifier can accept inspection help from a QBCC licensee by accepting a Form 12 aspect certificate from the licensee (for work other than a single detached class 1a or class 10 building/structure).For a single detached class 1a or class 10 building or structure, the certifier can accept inspection help from a QBCC licensee by accepting a Form 43 from the licensee (the licensee does not need to be deemed competent).
32.	<p>Is Form 43 to be used by tradespeople who are licenced by the QBCC, such as a water proofer, to confirm that their work complies with an Australian Standard and the BCA?</p>	<ul style="list-style-type: none">A Form 43 is an aspect certificate for use by a QBCC licensee to state that aspect work for a single detached class 1a building and class 10 building and structure is compliant with the building development approval.Section 68 and 69 of the BR2021 outlines who can complete this certificate.A person who holds an appropriate class of licence issued under the QBCC Regulation can give a QBCC licensee certificate for an aspect of work provided they:<ul style="list-style-type: none">have carried out the aspect work (i.e., occupational licensee), orcan under the QBCC Regulation give a QBCC licensee certificate for the aspect work (i.e., contractor licensee)<u>A Form 43 cannot be used for work on Class 2-9 buildings.</u> For those buildings a Form 12 is used after the building certifier has approved the person as a competent person.
33.	<p>Why can't a Form 43, from a QBCC licenced tradespeople be used on Class 2-9 buildings?</p>	<ul style="list-style-type: none">This has always been the case.A QBCC licensee can only provide a QBCC licensee certificate for work on a single detached Class 1a or Class 10 buildings/structures.

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FORM 43 – Aspect Certificate (QBCC Licensee) “Old forms” refer to those forms in effect immediately prior to 1 September 2021		
34.	What form does a QBCC licensee provide for a Class 2-9 building inspection?	<ul style="list-style-type: none">• For class 2-9 buildings, and attached class 1a and Class 1b buildings, a QBCC licensee is required to be approved as a competent person to undertake inspections.• The QBCC licensee would then use a Form 12 for the aspect of the work they are providing an aspect inspection certificate for.• Part 6 of the BR2021 sets out the requirements for deeming a person as a competent person.
35.	Can the Form 43 be amended to include all classes of buildings as this will prevent the building certifier from having to assess each licensee as “competent” to sign a Form 12.	<ul style="list-style-type: none">• The BR 2021 provides that a Form 43 QBCC licensee certificate can only be issued for a single detached class 1a building or class 10 building/structure. This requirement has not changed.• For all other classes of buildings, the licensee can issue a Form 12 Aspect Inspection Certificate where the certifier has deemed the QBCC licensee as a competent person.
36.	Is it true that the Forms are legal documents that do not expire, can be relied upon for the life of the building and, when signed they carry the reasonable assumption that the signatory knows and understands the relevant laws, their responsibilities and how the forms can be used under those laws?	<ul style="list-style-type: none">• This statement is correct.• Approved Forms issued under the BR2021:<ul style="list-style-type: none">• do not expire,• can be relied upon for the life of the building.• When signed, the forms carry the assumption that the signatory knows and understands:<ul style="list-style-type: none">• the relevant laws,• their responsibilities• how the forms can be used under those laws
37.	How does the industry increase their knowledge regarding the use of new forms and the requirement to complete them in full?	<ul style="list-style-type: none">• Each form issued under BR2021 includes an Appendix at the back which outlines the requirements for appropriately completing the form.
38.	Why should a building certifier have to appoint a QBCC licensee as a competent person for work on Class 2 - 9 buildings?	<ul style="list-style-type: none">• The requirement for a building certifier to appoint a QBCC licensee as a competent person to inspect aspects of Class 2-9 buildings and attached class 1a and Class 1b buildings has not changed with the BR2021.• A Form 43 Aspect Certificate (QBCC licensee) can only be issued for a single detached class 1a building or class 10 building/structure.• For all other classes of buildings, the licensee can issue a Form 12 Aspect Inspection Certificate after the building certifier has deemed the licensee as a competent person.



FORM 43 – Aspect Certificate (QBCC Licensee) “Old forms” refer to those forms in effect immediately prior to 1 September 2021		
39.	Is it true that QBCC licensees, such as a water proofer, will potentially need to fill out different forms (12 or 43) depending on the class of building they are working on?	<ul style="list-style-type: none">• It is correct that a QBCC licensee will have to complete different forms depending on the class of building they are working on.• A QBCC licensee fills out a Form 43 for an aspect of work that has been completed and complies with the building development approval for a single detached class 1a and class 10 building and structure.• A relevant QBCC licensee does not need to be assessed as a competent person to sign a Form 43.• A QBCC licensee fills out a Form 12 when they have been assessed as a competent person, in line with the requirements under Part 6 of the BR 2021, by a building certifier for an aspect of work for all other building classifications (e.g., class 2-9).
40.	Does the QBCC licensee have to be assessed as a competent person to sign a Form 43 for a single detached class 1a and class 10 building and structure?	<ul style="list-style-type: none">• Relevant QBCC licensees do not need to be assessed as a competent person to sign a Form 43 for a single detached class 1a and class 10 building and structure.• A person who holds an appropriate class of licence issued under the QBCC Regulation can give a QBCC licensee certificate for an aspect of work provided they:<ul style="list-style-type: none">• have carried out the aspect work (i.e., occupational licensee), or• can under the QBCC Regulation give a QBCC licensee certificate for the aspect work (i.e., contractor licensee).
41.	How does a QBCC licensee complete the Form 43 if they haven't seen the BDA? Can they assess the work in accordance with the NCC and appropriate standards relative to the documentation for the component of the work they are engaged to undertake?	<ul style="list-style-type: none">• The QBCC licensee can only issue a Form 43 if they are satisfied the work complies with the BDA.• It is recommended that the licensee refer to the BDA which is required to always be kept on-site during construction.• There is not an option to assess the work only in accordance with the NCC and appropriate standards.



STAGES PROCEEDING “Old forms” refer to those forms in effect immediately prior to 1 September 2021		
42.	Can the Department raise a matter with the QBCC regarding issues certifiers are facing with inspections being undertaken by engineers at the request of the builder before the building approval is issued and before the building certifier has assessed competency of the appointed competent person or added them to an appointed competent person register, particularly with the offences that now exist in BR 2021?	<ul style="list-style-type: none">• Noted.
43.	What options are available for building certifiers when builders progress to the next stage without the previous stage being signed off?	<ul style="list-style-type: none">• Builders have responsibilities under the BR 2021.• Builders are required to give a notice of inspection to the building certifier at the completion of a stage per section 48 of the BR 2021.• Further, builders are prohibited from starting a new stage of building work without having received a certificate of inspection (Form 16) for the previous stage per section 49 of the BR 2021.• Where a certifier becomes aware that a builder has not given notice for inspection, the certifier is required to notify the QBCC as soon as practicable per s.50 of the BR 2021.• Both builders and certifiers are reminded of their responsibilities under the BR2021 to ensure stages proceed correctly and with appropriate documentation.
44.	Is it correct that the engineer cannot authorise work to proceed at footings and or slab inspection stage and authorisation can only be given by the building certifier using a Form 16?	<ul style="list-style-type: none">• For single detached class 1a buildings and class 10 buildings/structures, only a building certifier can issue the Form 16 Stage Certificate for the pre footings/pre slab and final stages.• Builders are prohibited from starting a new stage of building work without having received the certifier’s Form 16 for the previous stage per section 49 of the BR 2021.
45.	How have the updated and new forms clarified the mandatory stage inspection regime under the BR 2021?	<ul style="list-style-type: none">• Builders are required to give certifiers a notice that a stage is ready for inspection per s.48 of the BR 2021. This requirement has not changed.• Builders are prohibited from starting a new stage of building work without having received a certificate of inspection (Form 16)

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STAGES PROCEEDING		
“Old forms” refer to those forms in effect immediately prior to 1 September 2021		
		<p>for the previous stage per s.49 of the BR 2021.</p> <ul style="list-style-type: none">• Where a certifier becomes aware that a builder has not given notice for inspection, the certifier is required to notify the QBCC as soon as practicable per s.50 of the BR 2021.• Both builders and certifiers are reminded of their responsibilities under the BR2021 to ensure stages proceed correctly and with appropriate documentation.• For single detached class 1a buildings and class 10 buildings/structures, only a building certifier can issue the Form 16 Stage Certificate for the footings, slab and final stages.

FOOTINGS		
“Old forms” refer to those forms in effect immediately prior to 1 September 2021		
46.	Section 44 (b) - Stages of assessable building work in the BR2021 seems to have added extra stages that each needs to have a Form 16 certificate however is this an error?	<ul style="list-style-type: none">• The BR 2021 clarifies the wording for footings and slabs in relation to inspections for single detached class 1a buildings. The BR 2021 has clarified the stage of building that is before concrete is poured for either footings or a slab.• <u>Where the footings and slab are done together</u>, the certifier can undertake a single inspection and issue a single Form 16.• <u>Where the footings and slab are done separately</u>, then a separate Form 16 should be issued for each stage which reflect the separate inspection dates.
47.	<p>The changes to the BR2021 indicate the slab stage is standalone and only a building certifier can sign that stage.</p> <p>Has the original intent, that the certifier only needed to sign the stage that comprises the first pouring of concrete, (if there is a footing – at that stage and if it is a monolithic slab with no footing – at that stage), changed?</p>	<ul style="list-style-type: none">• The department is aware of this issue and is considering a minor amendment to clarify this requirement.
48.	<p>Is a Form 12 required for the footings when:</p> <ul style="list-style-type: none">• the concrete is poured and then another Form 12 for when the slab is poured?• is a single Form 12 suitable for the whole footings and slab construction is completed?	<ul style="list-style-type: none">• For single detached class 1a buildings, the BR 2021 has clarified the stage of building that is before concrete is poured for either footings or a slab.• <u>Where the footings and slab are done together</u>, a single inspection can be undertaken, and a single certificate issued.

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FOOTINGS

“Old forms” refer to those forms in effect immediately prior to 1 September 2021

		<ul style="list-style-type: none">• <u>Where the footings and slab are done separately</u>, then separate certificates should be issued for each which reflect the separate inspection dates.
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FINAL INSPECTION

“Old forms” refer to those forms in effect immediately prior to 1 September 2021

49.	What is expected of the building certifier if a builder fails to notify that a mandatory stage of work is ready for inspection and proceeds with work.	<ul style="list-style-type: none">• Builders are prohibited from starting a new stage of building work without having received a certificate of inspection (Form 16) for the previous stage per section 49 of the BR 2021.• Where a building certifier becomes aware that a builder has not given notice for inspection, the building certifier is required to notify the QBCC as soon as practicable per s.50 of the BR 2021.• If a builder fails to notify that a stage complete and proceeds with work without an inspection, then the building certifier would not be able to issue a Form 16 Stage Certificate for that stage.• It follows that at final, the building certifier would not be able to issue a Form 17 or Form 21 Final Certificate as they could not be satisfied that the work complies with the building development approval (single detached class 1a and class 10 buildings/structures).• For other classes of buildings, s100-105 of the <i>Building Act 1975</i> set out the requirements for issuing a Form 11 Certificate of Occupancy.• Builders and certifiers are reminded of their responsibilities under the BR2021 to ensure stages proceed correctly and with appropriate documentation.
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NO INSPECTION DATE ON FORMS “Old forms” refer to those forms in effect immediately prior to 1 September 2021		
50.	<p>The lack of a "Date of Inspection" field of the Form 12 is problematic for the building certifier in being able to define what is happening chronologically and makes it near impossible to accurately complete the Form 21 Final Inspection Certificate which require a "Date of Inspection" and "Date Certificate was Issued" to be recorded in relation to mandatory stage inspections.</p> <p>Can Form 12 be amended to include a "Date of Inspection"?</p>	<ul style="list-style-type: none">• The department has noted the feedback and will amend the forms to include a "Date of Inspection" field.• Until the form is amended it is recommended that when completing a Form 12 the competent person should note the date of inspection under Item 5 Basis of certification on the form.• The building certifier can then use the inspection information from the Form 12 on the Form 16 Stage Certificate.

MANUFACTURERS and INSTALLERS etc “Old forms” refer to those forms in effect immediately prior to 1 September 2021		
51.	<p>What should be on manufacturer's statements?</p> <p>Should manufacturer's statements be signed by a competent person?</p>	<ul style="list-style-type: none">• It is at the discretion of the building certifier whether they accept an industry certificate/document stating the compliance of the installation of the aspect work.• Therefore, subject to the building certifier's requirement on what evidence of suitability they are willing to accept e.g., the industry certificate/documents, manufacturer's statements etc, you may utilise the relevant information on the approved Form 43 for these purposes.
52.	<p>Should window manufacturers be providing a Form 43 and/or a Form 12?</p>	<ul style="list-style-type: none">• Form 43 and Form 12 are both used to state that an aspect has been inspected and that the issuer is satisfied the work complies with the building development approval. <p>Form 43</p> <ul style="list-style-type: none">• For a single detached class 1a buildings or a class 10 building/structures:• A person who is licensed and undertook the work can issue a Form 43 QBCC licensee certificate.• Where the person did not undertake the work, the person can only issue a Form 43 QBCC licensee certificate if their licence scope of works permits it under the QBCC Regulation• A "person" can be a person or a corporation under the Acts Interpretation Act, therefore the Form 43 can be issued by either a licensed person or a licensed corporation.

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MANUFACTURERS and INSTALLERS etc

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		<p>Form 12</p> <ul style="list-style-type: none">• The BR 2021 requires an individual to be appointed as a competent person by the building certifier to issue a Form 12.• An individual is defined as a natural person under the Acts Interpretation Act; therefore, a corporation cannot issue a Form 12.• Where the certifier has not deemed the installer a competent person, the certifier may still require confirmation that the installation complies with the approval for the aspect work prior to them signing the Form 16.• It is at the discretion of the building certifier whether they accept an industry certificate/document stating the compliance of the installation of the aspect work.• Therefore, subject to the building certifier’s requirement on what evidence of suitability they are willing to accept e.g., the industry certificate/documents, manufacturer’s statements etc, you may utilise the relevant information on the approved Form 43 for your purposes.
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GENERAL COMMENTS

“Old forms” refer to those forms in effect immediately prior to 1 September 2021

53.	Is it possible to delay the introduction of the changes to the BR 2021 and the new forms?	<ul style="list-style-type: none">• Industry consultation was a critical part of the Building Regulation 2006 ‘sunset’ review process with industry feedback informing the drafting of the new Building Regulation 2021, which commenced on 1 September 2021.• All building forms were reviewed and amended to ensure consistency with the BR 2021, including the revised numbering and new parts.• The new and revised forms came into effect with the commencement of the BR 2021.
54.	Why do these forms and hoops building certifiers have to jump through constantly change?	<ul style="list-style-type: none">• The Building Regulation 2006 (BR 2006) expired (sunset) on 31 August 2021 and was remade.• As part of the ‘sunset’ review, the department consulted with industry and used the feedback to help draft the new BR 2021, which commenced on 1 September 2021.• The department revised all relevant building forms to ensure consistency with the BR 2021, including the revised numbering and new parts.



GENERAL COMMENTS		
“Old forms” refer to those forms in effect immediately prior to 1 September 2021		
		<ul style="list-style-type: none">• The building form numbering has not changed, except for two forms which are administrative forms (Form 31 and Form 43).• Some of the forms include additional information in an Appendix has been included to improve clarity around the use of the form and to assist with completing the form.
55.	Has the BR 2021 made any change related to retaining walls?	<ul style="list-style-type: none">• The BR 2021 replaces the term “natural ground surface” with “finished ground level”. This amendment clarifies when a retaining wall can be constructed without a building development approval.• Consistent with the NCC, the new term also provides that the final height of a 1m retaining wall does not include the footing.
56.	Has there been any changes to Form 18?	<ul style="list-style-type: none">• The general content of the Form 18 has not changed; however, it has been updated for consistency with the formatting of the suite of forms.• The Appendix has been updated so that legislative sections match the new BR 2021 provisions.
57.	How has the offence provision for record keeping by a building certifier about their decision to appoint a competent person been changed in BR 2021?	<ul style="list-style-type: none">• The BR2021 splits the previous record keeping requirements into two components to distinguish between the act of keeping records and the act of ensuring the records contain the correct information.• These two actions are different, and the split better reflects the importance associated with each step.