

BUILDING CERTIFIER BY MUTUAL RECOGNITION

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EFFECTIVE JULY 2022

Application for a Licence as a Building Certifier under the Commonwealth mutual recognition legislation as in force in Queensland through the *Mutual Recognition (Queensland) Act 1992* or *Trans-Tasman Mutual Recognition (Queensland) Act 2003*.

Who should use this form?

Only persons holding current registration within another Australian State, Territory or within New Zealand, equivalent to that of a building certifier licensed at the level of Building Surveyor, Assistant Building Surveyor or Building Surveying Technician, should use this form.

General Information

Applicants must read the application and notes carefully ensuring that all necessary information is provided. Where photocopies of documents are supplied, they must be certified as being true and correct copies of the originals by a Notary Public, Justice of the Peace, Commissioner of Declarations, Solicitor or Lawyer.

The application will be processed when all necessary information is supplied. If it is necessary to obtain further information, applicants may be requested to provide documentation or other information within a specified time frame.

When assessing the application, QBCC must assess the applicant's existing registration for equivalence with the levels of licences currently applying under the *Building Act 1975* ("Building Act").

Where deemed as an equivalent occupation, the licence application would normally be approved by the grant of a licence. Approval of the licence may be subject to any conditions:

- applying to the applicant's existing registration;
- considered necessary to achieve equivalence in occupations;
- considered necessary having regard to the relevant qualifications and experience possessed by the applicant.

If QBCC decides to do any of the following:

- grant the licence;
- refuse the licence;
- postpone the grant of the licence; or
- grant the licence subject to conditions,

written reasons for the decisions will be provided within the notice of the decision forwarded to the applicant upon deciding the application.

If the applicant or other relevant person is dissatisfied with QBCC's decision on the application, a review of the decision may be sought. The decision may be reviewed by the Administrative Appeals Tribunal (AAT) under the *Administrative Appeals Tribunal Act 1975*.

Levels of licensing (section 151, *Building Act 1975*)

The Building Act provides for three (3) individual levels of licences which include:

Building Certifier Level 1 (section 152 of the Building Act) - may perform building certifying functions for all classes of buildings and structures.

Building Certifier Level 2 (section 153 of the Building Act) may only

- (a) Without the supervision of a Building Certifier Level 1 - perform building certifying functions on buildings and structures having a rise of not more than 3 storeys and a total floor area not more than 2000m²; or
- (b) under the supervision of a building certifier Level 1 help in assessing and inspecting all classes of buildings and structures.

Building Certifier Level 3 (section 154 of the *Building Act*) - may only perform building certifying functions on class 1 buildings or class 10 buildings or structures.

Endorsements

There are two (2) types of endorsements that may be attached to the licence (section 160 of the *Building Act*). They include:

- **Private Certification Endorsement** - allows the building certifier to perform building certifying functions as a private certifier; and
- **Development Approval Endorsement** - allows the building certifier to perform the functions under section 48 of the Building Act of issuing building development approvals and other private certifying functions.

NOTE: A building certifier holding private certification endorsement is a private certifier (Class B). A building certifier holding both private certification endorsement and development approval endorsement is a private certifier (Class A).

Professional indemnity insurance requirements - Section 84 of the Building Regulation 2021

A building certifier seeking endorsement as a private certifier must have professional indemnity insurance that provides:

- (a) A minimum limit of indemnity of \$1 million for any 1 claim and a total during any 1 period of insurance that may arise from the performance of private certifying functions;
- (b) In addition to the limit of indemnity mentioned in (a) - indemnity for costs and expenses incurred with the consent of the insurer of defending or settling a claim;
- (c) indemnity for breaches of professional duty as a private certifier arising from an act, error or omission of the private certifier after the day the certifier first became a private certifier;
- (d) At least one (1) automatic reinstatement of indemnity;
- (e) Indemnity for negligent performance of a building certifying function (other than for claims for fraudulent or illegal acts or omissions);
- (f) If the private certifying functions are performed as an employee - indemnity to former principals, partners and directors of the employer who were, but are no longer, private certifiers.

A private certifier who is a member of a corporation, or an employee of an individual, corporation or public sector entity, is taken to have the required insurance if the corporation, individual or entity has the professional indemnity insurance.

Where you are an employee or member of a company, you must provide the QBCC with evidence of the relationship that exists between you and your employer or company. You must also provide a certified copy of your employer's or company's professional indemnity insurance policy.

Development Approval Endorsement

Applicants seeking development approval endorsement must hold the insurance prescribed for private certification endorsement as noted above. The applicant must also:

- (a) provide evidence that the applicant has completed the course about issuing building development approvals in Queensland prescribed under section 84 of the Building Regulation; or alternatively
- (b) provide evidence that their existing registration allows the performance of functions equivalent to a private certifier (Class A) as defined within the Building Act. The functions include but are not limited to (in the capacity of a private certifier):
 - (i) deciding building development applications and issuing building development approvals;

- (ii) issuing final inspection certificates and certificates of classifications for completed buildings, and;
- (iii) undertaking enforcement action.

What information is required?

The notice must be accompanied by the following information:

- Proof of identity including photo ID.
- The instrument/s evidencing your existing registration/s within each State, Territory or New Zealand.
- Information about any disciplinary history relating to existing or previous registration/s held.
- The application fee and annual licence fee prescribed under schedule 9 of the Building Regulation.
- Where an applicant seeks private certification endorsement, evidence that the applicant holds the required professional indemnity insurance.
- Where an applicant seeks development approval endorsement, evidence that the applicant has the insurance for private certification and has also completed the course about issuing building development approvals for building work in Queensland. Alternatively, other evidence to confirm the applicant's eligibility to hold development approval endorsement under mutual recognition must be provided.
- Completed statutory declaration.

Fees



Our fees and charges increase on 1 July each year. On 1 July 2022 our fees and charges were increased by 2.5% in line with Government's indexation policy. You can contact us to find out details about specific fees, charges or prices.

The Building Regulation 2021 provides for the following fees:

Application fee for licence	\$168.36
Annual licence fee	\$895.90
Total fee required with application	\$1064.26

INFORMATION REGARDING THIS FORM

GOVERNING LEGISLATION

- *Building Act 1975*
- Notification to Local Registration Authority
- Section 19, *Mutual Recognition Act 1992 (Cth)* or Section 18, *Trans-Tasman Mutual Recognition Act 1997*

PRIVACY NOTICE

The QBCC is collecting information in accordance with the requirements of the *Mutual Recognition Act 1998 (Cth)*, *Trans-Tasman Mutual Recognition Act 1997 (Cth)* (where applicable), *Mutual Recognition (Queensland) Act 1992*, *Trans-Tasman Mutual Recognition (Queensland) Act 2003* (where applicable), the *Building Act 1975* and *Building Regulation 2021* and for the purpose of administering the *Queensland Building and Construction Commission Act 1991*

and to further its objects and any function given to it under another Act. The collection of information is authorised under the abovementioned Acts. This information can be disclosed by the QBCC to another party with your consent or as authorised or required by law. For further information visit the Privacy Policy on the QBCC website at qbcc.qld.gov.au.

RETURN YOUR COMPLETED FORM AND ALL REQUIREMENTS BY:

Post: GPO Box 5099 Brisbane QLD 4001.
In person: QBCC service centres are listed on our website qbcc.qld.gov.au.

COMPLETING THIS FORM

- Use BLACK pen only
- Print clearly in BLOCK LETTERS
- DO NOT use correction fluid - ~~cross out~~ and initial amendments

1. APPLICANT DETAILS

Title	<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	<input type="checkbox"/> Other	<input type="text"/>				
Surname	<input type="text"/>									
First names	<input type="text"/>									
Date of birth	D	D	M	M	Y	Y	Y	Y	Place of birth	<input type="text"/>
Full name/ company name	<input type="text"/>									
Postal address	<input type="text"/>									
State	<input type="text"/>	Postcode	<input type="text"/>							
Phone	<input type="text"/>			Mobile	<input type="text"/>					
Email	<input type="text"/>									
Business address for physical service of documents (This cannot be a PO Box)	<input type="text"/>									
State	<input type="text"/>	Postcode	<input type="text"/>							
Residential address	<input type="text"/>									
State	<input type="text"/>	Postcode	<input type="text"/>							
Business phone	<input type="text"/>			Home phone	<input type="text"/>					
Mobile	<input type="text"/>									
Email	<input type="text"/>									

**OFFICE
USE
ONLY**

CRN:

Receipt no:

Assignee:

Licence no:

Receipt amount: \$


Received by:

Container:

2. CATEGORY OF LICENCE SOUGHT

For the occupation of building certifier, please indicate which level of licensing you consider yourself eligible under mutual recognition (select one (1) level only).

Building Certifier - Level 1
 Building Certifier - Level 2
 Building Certifier - Level 3

 Note: The category of licence sought must be the most equivalent to the level of existing registration held within the other State, Territory or New Zealand.

3. ENDORSEMENTS (PRIVATE CERTIFICATION ONLY)

Are you seeking private certification endorsement as part of this application? Yes No

Are you seeking development approval endorsement as part of this application? Yes No

4. QUALIFICATIONS & EXPERIENCE

Please list your qualifications relevant to the occupation of a building certifier:

In summary, please outline your relevant industry experience:

5. PROOF OF IDENTITY

Applicants must provide proof of identity totally a minimum of 100 points as indicated below. **(Certified copies to be attached)**
I have provided proof of my identity totalling a minimum of 100 points as indicated:

Document type	Points	Select
1. Birth or Citizenship Certificate (only one (1) can be used)	70 points	<input type="checkbox"/>
2. Current Passport	70 points	<input type="checkbox"/>
3. Current Drivers Licence	40 points	<input type="checkbox"/>
4. Identification card issued to a Public Sector employee	40 points	<input type="checkbox"/>
5. Identification card issued by Department of Social Security	40 points	<input type="checkbox"/>
6. Confirmation from employer	35 points	<input type="checkbox"/>
7. Debit/Credit Card - one (1) per financial institution	25 points	<input type="checkbox"/>
8. Store or Medicare Card	25 points	<input type="checkbox"/>
9. Club Membership Card	25 points	<input type="checkbox"/>

You will only be considered as being identified when you have achieved 100 identification points and **must include one (1) form of photo identification**. If a document has an expiry date, only a current or valid document is acceptable.

6. DETAILS ABOUT EXISTING REGISTRATIONS

1. Please specify the State, Territory and/or New Zealand where you hold registration in the equivalent occupation to that of a building certifier at the level of licence applied for:

2. Please specify the registration type and level held:

3. Please specify the name of the Registration Body:

4. Please specify the date the registration originally commenced and the date the registration will expire:

Commenced:

D	D
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 /

M	M
---	---

 /

Y	Y	Y	Y
---	---	---	---

Expires:

D	D
---	---

 /

M	M
---	---

 /

Y	Y	Y	Y
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5. Does your registration allow you to

- a) perform functions as a private certifier? Yes No
- b) issue building development approvals, however named, final inspection certificates and certificates of classifications in the capacity of a private certifier? Yes No

6. Please nominate any other States, Territories and/or New Zealand where other similar registrations are held:

ACT
 NSW
 NT
 SA
 TAS
 VIC
 WA
 New Zealand


For each other registration held, please provide details of the registration type and level, registration body and registration commencement and expiry dates:

 Note: you must attach a certified copy of the original instruments evidencing each of your current registrations (if available).

10. SUITABILITY

Your response to the following questions will be considered as part of QBCC's assessment of your suitability of holding a licence (section 186, *Building Act 1975*).


1. Have you ever been refused a statutory licence or had a statutory licence suspended or cancelled or otherwise been disqualified from holding a statutory licence of any sort? Yes No

 If yes, please attach full details.


2. Have you ever been convicted of an offence against an Act? Yes No

 If yes, please attach full details.

3. Have you ever been the subject of a complaint or civil or criminal proceedings in relation to fraud or dishonesty? Yes No

 If yes, please attach full details.

4. Under your existing or any previous registration/s, have you at any time been found guilty of failing to undertake your statutory obligations in your occupation? Yes No

 If yes, please attach full details including reasons

11. ADDITIONAL REQUIREMENTS

Have you been known by any other names? Yes No
If you have ticked yes, you must provide full details of all previous names you have been known by.

12. GENERAL DECLARATION

I,

Name of applicant

Sincerely declare that:

I. I am currently registered for the occupation of in the State, Territory or Place of

II. I am seeking a licence as a building certifier by giving notice to QBCC in accordance with the provisions of the:

Mutual Recognition Principle (for Australian States/Territory applicants); or
 Trans-Tasman Mutual Recognition Principle (for New Zealand applicants).

III. I also hold substantive registration for the equivalent occupation within the following additional States, Territories or New Zealand (if applicable):

IV. I am not the subject of disciplinary proceedings in any State, Territory or New Zealand (including any preliminary investigations or action that might lead to disciplinary proceedings) in relation to the occupation for which any of my existing registration/s apply.

V. My registration for the equivalent occupation within any other State, Territory or New Zealand is not cancelled or currently suspended as a result of disciplinary action.

VI. I am not otherwise personally prohibited from carrying on any such occupation in any State, Territory or New Zealand, and am not subject to any special conditions in carrying on that occupation, as a result of criminal, civil or disciplinary proceedings in any State, Territory or New Zealand.

VII. I have, by attachment to this notice, specified all special conditions that I am subject to in carrying out the equivalent occupation in any other State, Territory or New Zealand, where I am registered to do so.

VIII. I give consent to the making of inquiries of, and the exchange of information with, the authorities of any State, Territory or New Zealand, regarding my activities in the relevant occupation or occupations or otherwise regarding all matters relevant to this notice.

IX. The instrument evidencing my current registration for which mutual recognition is applied is the original or a complete and accurate copy of the original. So too are any other registration certificates that I have provided from other States Territories or New Zealand.

Signature of applicant

Date / /

13. STATUTORY DECLARATION

You must **provide** a Statutory Declaration verifying the statements made and information provided within this notice. A pre-prepared Statutory Declaration has been provided at the last page of this form.

STATUTORY DECLARATION

! WARNING: INCORRECT OR MISLEADING INFORMATION MAY LEAD TO REVIEW AND POSSIBLE CANCELLATION OF THE LICENCE AND IMPOSITION OF A PENALTY UNDER SECTION 193 OF THE QUEENSLAND CRIMINAL CODE.

I,

 (your full name)

declare:

- the particulars contained in my attached application and accompanying statements are true and correct
- I have read the Privacy Notice (page 3)

Declared at

 in the state of

Signature of applicant

 Date

 /

 /

 /

Before me (the witness)

in the presence of:

Signature of Witness

 Date

 /

 /

 /

Occupation/Qualification of witness

NOTE: This statutory declaration must be signed in front of a witness. The following people are suitable witnesses: Justice of the Peace (JP), Notary Public, Commissioner of Declarations, Solicitor or Lawyer. The Statutory Declaration must be an original document not a copy.

PROOF OF IDENTITY DECLARATION (TO BE COMPLETED BY THE WITNESS)

I declare that I have perused the originals of the identity documents nominated by the applicant and they have reached 100 identification points and I have satisfied myself as to the person's identity.

I have attached a certified copy of those documents.

WITNESS INFORMATION

Title Mr Mrs Miss Ms

 Other

Surname

First names

Business phone

 Mobile

Occupation

Signature of Witness

 Date

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