

This form is made for the use and purpose under section 54 (1) and (3) of the Building Regulation 2021 (BR 2021) to give notice to the builder and the building certifier that a stage of work does not comply with the building development approval.

Additional explanatory information is included in the Appendix at the end of the form.

<p>1. Builder details</p> <p>If the builder works for a company, a contact person must be shown.</p>	<p>Name <i>(in full)</i></p> <p>.....</p> <p>Company name <i>(if applicable)</i> Contact person</p> <p>.....</p> <p>Business phone number Mobile number</p> <p>.....</p> <p>Email address</p> <p>.....</p> <p>Postal address</p> <p>.....</p> <p>..... State Postcode</p>
<p>2. Property description</p> <p>The description must identify all land the subject of the application.</p> <p>The lot and plan details (e.g. SP/ RP) are shown on title documents or a rates notice.</p> <p>If the plan is not registered by title, provide previous lot and plan details.</p>	<p>Street address <i>(include number, street, suburb/locality and postcode)</i></p> <p>.....</p> <p>..... State Postcode</p> <p>Lot and plan details <i>(attach list if necessary)</i></p> <p>.....</p> <p>Local government area the land is situated in</p> <p>.....</p> <p>Building certifier reference number Building development approval number</p> <p>.....</p>
<p>3. Building certifier details</p>	<p>Name <i>(in full)</i></p> <p>.....</p> <p>Company name <i>(if applicable)</i> Contact person</p> <p>.....</p> <p>Business phone number Mobile number</p> <p>.....</p> <p>Email address</p> <p>.....</p> <p>Postal address</p> <p>.....</p> <p>..... State Postcode</p> <p>Licence number</p> <p>.....</p>

Appendix – explanatory information

Who can complete this form? (section 54(1) and (3) of the BR 2021)

An inspecting person that is the competent person (inspection) for a stage of assessable building work can complete this notice.

When is this form (Form 62) issued? (section 54(3) of the BR 2021)

If the inspecting person (the appointed competent person (inspection)) for the stage of work inspects the stage and is not satisfied the stage has been completed or complies with the building development approval they must complete this form and give the builder and building certifier for the assessable building work the notice.:

What happens after the form is issued?

The builder may decide to immediately take steps to rectify the issues stated on the form. However, if they do not take steps to rectify the issues they (the builder) cannot start the next stage of work until they receive a **Form 16 - Inspection certificate** for the stage of work the subject of the notice.

If the building certifier receives this form from the inspecting person and they are satisfied that the work does comply with the building development approval, they must issue a **Form 16 – Inspection certificate**.

If the building certifier, is not satisfied the stage of work is compliant with the building development approval then the building certifier must give the builder a **Form 61 – Noncompliance notice**.

If the builder for the assessable building work is given a noncompliance notice for a stage of work, they must perform the work, as stated in the notice, to ensure the stage of work complies with the building development approval. After the work is completed, as stated in the notice, the builder must give the building certifier a notice for inspection for the stage.

If the builder does not perform the work stated in the noncompliance notice or they fail to give the certifier a notice of inspection, the building certifier (issuing authority) must take enforcement action against the builder.

The issuing authority can be either a private certifier or local government. If the issuing authority gives the builder an enforcement notice and the builder does not comply with the enforcement notice, the issuing authority must notify the QBCC of the builder's noncompliance.

Note: Under the *Building Act 1975* the building certifier is the accountable person for the certification of a building and are the enforcement authority until they issue the final certificate or certificate of occupancy for the building.

Appeal rights (Table 3, Schedule 1 of the *Planning Act 2016*)

The builder can appeal for a notice i.e. a Form 61 or enforcement notice to the Development Tribunal.

Competent person (section 10 of the *Building Act 1975* and Part 6 of the BR 2021)

A building certifier must assess and decide to appoint an individual as a competent person before they can, as a competent person, give design-specification help. The building certifier is required to keep detailed records about what was considered when appointing a competent person.

A competent person cannot give inspection help to a building certifier until they have been appointed by the building certifier. For further information about assessment of someone as a competent person refer to the **Guideline for the assessment of competent persons**.

Inspection help (section 34 of the BR 2021)

A building certifier must be satisfied that an individual is competent to give the type of inspection help having regard to the individual's experience, qualifications and skills and if required by law to hold a licence or registration, that the individual is appropriately registered or licensed.

For further information about conducting inspections for class 2 to 9 buildings, refer to the **Guideline for inspection of class 2 to 9 buildings**.

For further information about conducting inspections for detached class 1a and 10 buildings or structures refer to the **Guideline for inspections of class 1 and 10 buildings and structures**.

Note: all building forms are published at the [Business Queensland website](#).

PRIVACY NOTICE

The Department of Energy and Public Works is collecting personal information as required under the *Building Act 1975*. This information may be stored by the Department, and will be used for administration, compliance, statistical research and evaluation of building laws. Your personal information will be disclosed to other government agencies, local government authorities and third parties for purposes relating to administering and monitoring compliance with the *Building Act 1975*. Personal information will otherwise only be disclosed to third parties with your consent or unless authorised or required by law.