

Certificates from electricians relating to building work

Guideline

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Scope

This guideline is for building certifiers assessing the qualifications and experience of electricians as 'competent persons' able to provide a Form 16 under the *Building Regulation 2006* if requested.

Purpose

This guideline is to provide building certifiers guidance on:

- how to meet their responsibilities under the *Building Regulation 2006* (BR) when requesting certificates (e.g. Form 16s) from licensed electricians;
- the criteria for assessing the qualifications and experience of electricians, who carry out the installation of electrical systems as part of a building development approval (BDA), as 'competent persons' for the purposes of the BR.

Legal status

These guidelines are made under:

- Section 258 of the *Building Act 1975* (BA) which provides for guidelines to be made to help achieve compliance with the BA.
- Section 133A of the BA requires a building certifier, in performing a function under the BA, to have regard to the guidelines made under section 258 of the BA.

Evidence of regard to guidelines made under the BA may assist a building certifier in the event of a complaint about the performance of a building certification function.

Background

In Queensland, building certifiers play an important role in the assessment, approval and inspection of new building work. They must ensure high standards of building control are achieved across the community.

Building certifiers who assess, approve and inspect new building work are responsible for ensuring compliance with the minimum standards of health, safety, amenity and sustainability. These standards are set out under the BA and are designed to protect the people who occupy and use all buildings constructed in Queensland.

With sufficient information supporting the BDA, building certifiers can make a decision to approve and inspect the building work without assistance from other building industry professionals. However, they may need assistance to assess and inspect more complex structural and technical aspects of larger buildings.

To accommodate this, there are provisions in the BR that allow a building certifier to rely on certification from other building industry practitioners about an aspect of the building work. The BR recognises these practitioners as 'competent persons'.

Even though a building certifier can rely on a certificate from a competent person when approving or inspecting building work, they are ultimately responsible for ensuring it complies with the BA.

Certificates from competent persons generally

Certificates from competent persons are intended to apply to the assessment or inspection of building work that is, for example:

- concealed, is highly technical or is of such complexity that the certifier needs inspection help; or
- in a remote area where due to excessive travel distances it may be impracticable for the building certifier to make inspections personally.

Before accepting certificates from competent persons a building certifier must make and record decisions about an individual's capability to provide the type of help required¹. In addition to this, the BR requires that if a competent person is required to be licensed or registered to carry out a particular type of work, they must have that licence or registration². If a building certifier chooses to accept a certificate from a competent person, it must be in the approved form if they want to rely on the certificate without further checking³.

Certificates from electricians

Electricians involved in building and construction work are responsible for installing a variety of electrical services in all types of buildings. These installations can range from simple wiring of services in houses, such as lighting, smoke alarms and general power, to complex fire alarms and emergency lighting systems in commercial buildings.

Many of these installations and systems, particularly in commercial buildings, are designed by appropriately qualified registered engineers. In these cases building certifiers, as part of the assessment and approval process, will generally request a design certificate (known as Form 15 under the BR) for the relevant systems.

Where electrical services such as emergency lighting or fire and smoke alarm systems are installed in a building, a building certifier will generally seek confirmation from the installer that those systems comply with the approved design documents. Building certifiers will normally accept certificates from the electricians that were responsible for installing the system. If the building certifier wants to accept certificates from an electrician about these systems and rely on them without further checking, they must first assess the individual to be a competent person under the BR.

Step 1: Assessing licensing requirements

The first step in deciding if an electrician is suitable as a competent person is to establish if they are properly licensed. Electricians are required to be licensed under the provisions of the *Electrical Safety Act 2002* (ESA) which is administered by the Office of Industrial Relations. A search of electrical licence holders can be conducted on the Electrical Safety Office's website <https://fswqap.worksafe.qld.gov.au/elis/>.

Note: Electricians licensed under the provisions of the ESA do not need an additional licence from the Queensland Building and Construction Commission in order to certify work they have carried out.

¹ *Building Regulation 2006* – Section 19

² *Building Regulation 2006* – Section 18(2)

³ *Building Regulation 2006* - Section 49

Step 2: Assessing experience, qualifications and skills

Once a building certifier is satisfied an electrician is appropriately licensed, a decision about their competence to help with the inspection function must be made.

Building certifiers should consider the level of experience, qualifications and skills an electrician has in the type of work to be certified. For example; a building certifier requesting certification for a complex fire and smoke alarm system should ensure the electrician can clearly demonstrate they have carried out that kind of work in other buildings. It may not be appropriate for an electrician who has only ever been involved in minor domestic installations to be considered competent to certify complex commercial type installations.

Step 3: Keeping records of decisions

The building certifier must keep records of their decision to accept an electrician as a competent person based on the amount and type of electrical work they have carried out in the past. The decision must be documented in a way that clearly demonstrates an electrician's ability to not only carry out the work but to inspect and certify it upon completion.

The BR requires a certifier to record certain details about their decision, including who the competent person is, the matters for which the person was decided to be competent, the date the decision was made, details of the information relied on by the certifier to make their decision, and the certifier's reasons for the decision. These records must be kept for at least five years. A maximum penalty of 20 penalty units apply if a certifier does not meet these requirements.

Legislation

Building Act 1975

- Section 10(b) provides that the giving of a compliance certificate in the approved form is a building certifying function for the aspects of building assessment work.
- Section 10(c) provides that for a building development approval, inspecting work to decide whether to certify the work is a building certifying function.
- Section 10(d)(ii) provides that for building work for a single detached class 1a building or class 10 building or structure, the giving of a final inspection certificate is a building certifying function.

Building Regulation 2006

- Section 17(2) provides that a building certifier may decide that an individual may give the certifier inspection help.
- Section 18(2) provides that if under any relevant law, an individual must be licensed or registered to be able to give inspection help, the individual must be licensed or registered. This section also provides that the building certifier must assess an individual to be competent to be able to give the inspection help.
- Section 19 provides that if a building certifier decides a person is competent to give help, records stating who the person is, the matters for which a person is decided to be competent, the day the decision was made, details of information relied upon to decide and the reasons for the decision must be kept for at least five years.
- Section 48 provides that a certificate by a competent person must, be in the approved form, be signed by the competent person and state in detail the basis for giving the certificate and the extent tests and other documents have been relied upon.

- Section 49 provides that, among other things, a building certifier may accept and, without further checking, rely on a certificate from a competent person but only if it is in the approved form.

Definitions

Approved form means a form approved by the chief executive in accordance with the BA. These forms are available on the department's website.

Building development approval means a development approval to the extent it is for building work.

Building certifying function is carrying out any of the things set out in section 10 of the BA.

Competent person is an individual the subject of a decision under section 17 of the BR.

Competent person (inspections) is a person decided under section 17(1)(b) of the BR.

Form 16 mean the approved form titled 'Inspection Certificate / Aspect Certificate / QBCC Licensee Aspect Certificate'.