



# Building Newsflash

## Councils obligation to provide building certification services

### Purpose

To advise councils are required to provide building certification services.

### Background

With the introduction of private certification in 1997, consumers were given a choice of lodging building applications for assessment with either a council or a private certifier.

The Department has been advised some councils have decided they will no longer provide building certification services to the community. Applicants seeking to lodge a development application for building work are directed to lodge their application with a private certifier.

### Legislation

Section 51 of the *Building Act 1975* stipulates that if a private certifier (class A) is not engaged for a building development application and the application is properly made under IDAS, the council must receive, assess and decide the application.

The council must appoint or employ a private certifier or another building certifier to perform building certifying functions for the application and if approved, the building work.

The *Local Government Act 1993* (chapter 6 – Part 5 sections 501A and 501B) enables a person who is affected by an administrative action of a council to lodge a complaint to the council.

### Interpretation

Councils cannot refuse to accept a properly made application.

Any person who is not satisfied with a council's decision not to accept a properly made application may use the complaints management process established under the *Local Government Act 1993*.

Since March 2006 the *Local Government Act 1993* requires all councils to implement a complaints management process to improve accountability and resolve complaints, including those about administrative actions of the council.

Formal written complaints may be directed to the Chief Executive Officer of the Council and a complaints officer must conduct an investigation into the matter. Upon reaching a decision, the

complaints officer is required to give the council and the affected person notice of the decision along with reasons.

If the person is dissatisfied with the decision, any concerns may be referred to the Ombudsman who has jurisdiction to investigate and review administrative actions of Queensland's state agencies and councils. Complaints to the Ombudsman can be made in writing to GPO Box 3314 Brisbane, QLD 4001, in person or by using the online complaint form which can be found at [www.ombudsman.gov.au](http://www.ombudsman.gov.au). The Ombudsman's Office can also be contacted on telephone number 3005 7000 or toll free (outside Brisbane) 1800 068 908.

### Contact Officer

Building Codes Queensland

Phone: (07) 3239 6369

Email: [buildingcodes@dlgp.qld.gov.au](mailto:buildingcodes@dlgp.qld.gov.au)

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