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BUILDING CERTIFIERS TO ACT WITHIN THEIR COMPETENCIES

Several enquires have been received regarding the certification of aspects of building work that may be outside the competence of a building certifier.

Code of conduct

The Building Act 1975 requires the accrediting body for building certifiers to maintain a code of conduct by which the performance of building certifiers may be measured and to which building certifiers must comply.

The BSA code of conduct for building certifiers defines the standards of behavior expected of building certifiers. The code requires certifiers to not undertake professional work which they are not competent to perform. If they are in any doubt as to this matter, they must obtain such advice and assistance as will enable them to carry out such work competently or alternatively, accept certification of an aspect of the work from a competent person.

Certification by competent persons

Section 23 of the Standard Building Regulation permits a building certifier to accept, without further checking, that building work complies with the Building Act and Standard Building Regulation to the extent that such compliance is certified by a competent person.

Certification by competent persons is intended to apply to the assessment of those elements of building work which are outside the expertise of a building certifier, or which can be equally assessed by another person.

Professional misconduct

The Building Act defines "professional misconduct" for which the accrediting body may undertake disciplinary proceedings as including conduct (whether by act or omission) when a building certifier-

- acts in a way contrary to a duty under the Act; or

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- falsely claims the building certifier has the qualifications, necessary experience or accreditation to be engaged as a building certifier; or
- acts outside the scope of the building certifier's powers; or
- contravenes a code of conduct published by an accrediting body; or
- acts negligently or incompetently in relation to the certifier's practice.

Building certifiers undertaking professional work which they are not competent to perform may be considered to be undertaking all of the above listed examples of professional misconduct and be subject to disciplinary proceedings.