



# Building Newsflash

## ACKNOWLEDGEMENT OF PAYMENT OF ARCHIVING FEE

### Background

Some councils are not complying with the requirement to immediately issue an acknowledgement for receiving building approval documents from private certifiers. Amendments to the building legislation in 2003 addressed local government difficulties with the late lodgement of building approval documents by private certifiers and part payment of local government's prescribed fee.

The certifier must obtain an acknowledgement from the local government for payment of the archiving fee before the private certifier gives the applicant the development permit. Local governments must give this acknowledgement immediately upon payment of the fee to prevent delays to the building approval process.

### Legislation

Section 5.3.5 of the *Integrated Planning Act 1998* and section 26 of the *Standard Building Regulation 1993* requires a copy of the application and decision notice to be given to the local government. The local government must immediately give the private certifier a document ("**the acknowledgment**") acknowledging the fee and the documents have been received.

### Interpretation

#### Current investigations by Department

During a recent review of council processes for acknowledging documents lodged for archiving by private certifiers, three potential factors were identified as delaying acknowledgements by councils. The first was the length of time taken by the postage system, the second was internal council processes to receipt monies for the lodgement of documents and the third was the time taken for council to check the documents lodged for accuracy.

Investigation by the Department of Local Government, Planning, Sport and Recreation revealed that in most cases there appears to be a standard time delay of five to seven days for the receipt of acknowledgement for postal submissions. From discussions with certifiers, it has been suggested that some local governments state that they believed that "immediately" gave them 5 days to respond.

This is not the case. There is no provision in the legislation that allows councils to provide a response for lodgement of documents within five to seven days. The requirement is to provide the acknowledgment immediately upon receiving the payment for lodging the documents.

There is no requirement for Councils to check the documents lodged for accuracy. This is the responsibility of the private certifier.

## How to improve the acknowledgement process

The Department previously advised that the acknowledgement may be in a written or electronic format. This will allow local governments who issue receipts on a monthly basis to issue an immediate 'acknowledgement' for the payment of the fee.

It is suggested that where private certifiers post in documents for lodgement, local government **immediately** fax back Form 20 to the certifier, with the bottom portion of the form completed. For example, the administrative officer opening the mail could fax the Form 20 straight to the private certifier. This will allow councils to immediately fax the lodgement notice back to certifiers indicating that the documents have been lodged. Council can then post the original of the faxed documents with relevant receipts, back to the certifier in its normal course of business.

### **Further Information**

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