



# Building Newsflash

## Forms 15 & 16 Questions and Answers

### Purpose

To advise building industry practitioners about the role of Forms 15 and 16 in building assessment, approval and inspection processes.

### Background

There is some confusion in the industry about the role of Forms 15 and 16 since the changes to the building laws in September 2006. This newsflash outlines when and how Forms 15 and 16 are intended to work, and provides answers to frequently asked questions relating to the mandatory approved Forms 15 and 16.

### When and how Forms 15 and 16 apply

The *Building Regulation 2006* enables competent persons and Queensland Building Services Authority (QBSA) licensees to give help to building certifiers in the assessment of a building application and inspection of building work.

The decision to seek the help of a competent person or rely on a QBSA licensee certificate can only be made by the building certifier assessing the application or inspecting the building work.

Only after the building certifier has assessed the person as competent can the building certifier use the help of a competent person. This help is defined in the *Building Regulation 2006* as design/specification help and inspection help. If a building certifier does not seek or rely on design, specification or inspection help, there is no need to obtain forms 15 or 16.

Competent persons give design/specification help and inspection help by certifying that:

- Form 15—A building design or specification will, if installed or carried out under the certificate, comply with the relevant building laws; or
- Form 16—That an aspect of building work complies with the building approval and the relevant building laws.

QBSA licensees can also help building certifiers by certifying that aspects of building work performed by QBSA licensees comply with the building development approval and therefore Queensland's building laws (also Form 16).

Since 1 September 2006, a building certifier can rely on a certificate given by a QBSA licensee without first having to assess the licensee as a competent person. QBSA licensees are assessed by the Building Services Authority as competent to hold a licence for the work performed. The

amendment to the legislation removes any duplication that required a building certifier to also assess the licensee as competent.

A building certifier may accept and rely on certificates (Form 15 and Form 16) in carrying out their building certifying functions, that is, assessing a building application and inspecting and certifying building work.

For some building applications, the design of building components, systems and materials may be outside of the scope of the expertise of the building certifier to assess. The *Building Regulation 2006* (BR) enables certifiers to rely on competent persons to assess and certify those components of the building application, outside of the expertise of the building certifier, as complying with the building laws. This certification can only be given on Form 15.

The assessment of some building applications will be entirely within the expertise of the certifier. In these instances Form 15 is not required. Likewise, inspection of certain aspects of construction may also be within the expertise of the certifier. In these instances Form 16 is not required for that aspect.

## **Legislation**

### **Form 15**

#### ***Building Act 1975***

**Section 10** sets out that the giving of a certificate in the approved form is a building certifying function.

**Section 50** sets out the restrictions applying to class B building certifiers in relation to giving compliance certificates.

#### ***Building Regulation 2006***

**Section 46** provides that a competent person may give a building certifier a certificate that a building design or specification will comply with building assessment provisions.

**Section 48** sets out the specific requirements for certificates, including the need for them to be in the approved form.

### **Form 16**

#### ***Building Regulation 2006***

**Section 32** requires that a certificate of inspection must be given to the builder if the work inspected is satisfactory and that it must be in the approved form.

**Section 43** provides that a QBSA licensee may give a building certifier a certificate in the approved form that an aspect of building work complies with the building development approval.

**Section 44** provides that a QBSA licensee may give a certificate in the approved form that an aspect of self-assessable building work complies with the Building Code of Australia (BCA), Queensland Development Code (QDC) or any relevant alternative provisions of the QDC.

**Section 46** provides that a competent person may give a building certifier a certificate that a building design or specification will comply with building assessment provisions.

**Section 47** provides that a competent person may give a certificate in the approved form certifying that an aspect of building work complies with the building development approval.

## Questions and Answers

### Are Forms 15 and 16 mandatory?

Yes. The BR requires that any certificate given by a building certifier or a competent person about a building design or inspection must be in the approved form if it is to be relied on by a building certifier to perform building certifying functions. Forms 15 and 16 have been approved by the chief executive under section 254 of the *Building Act 2006* (BA) and are available on the Departments web site at <http://www.lgp.qld.gov.au/?id=287>.

It should be noted that even though the forms are mandatory, Forms 15 and 16 may not be required if the work is within the expertise of the certifier. The certifier does not need to decide a QBSA licensee is competent to give inspection help provided they are appropriately licensed to carry out work in the aspect.

### When must Forms 15 and 16 be used?

Form 15 must be used when a competent person is requested to provide a certificate for the matters relating to the design/specification help they are giving to a building certifier. The certificate provided must cover such things as the design of a particular material, system, method of building or that a building element complies with the BCA or a provision of the QDC.

Form 16 must be used when a building certifier, competent person or a QBSA licensee inspects a stage or aspect of building work and certifies it is satisfactory.

### Does the signature on Forms 15 and 16 have to be an original?

Any Form 15 or 16 given by a building certifier, competent person or QBSA licensee is required to be signed. Generally the provisions of the *Electronic Transaction (Queensland) Act 2001* allow a copy of a signed document to be accepted by a person the certificate is to be given to. However, the person receiving the certificate has the discretion to accept a copy of the certificate or request it with an original signature.

The person required to sign a certificate is the person the building certifier has decided is competent to give design/specification or inspection help. For QBSA licensees where the company is licensed, it is acceptable to have the licensed nominee or other person authorised by the company to sign the certificate.

### **Can Forms 15, 16 or any approved Forms be changed?**

No. The information required in all approved forms is the minimum information required by legislation. The versions of the forms on the Department's web site are the current approved forms and all relevant sections are to be completed.

Forms 15 and 16 make provision for other material such as specifications, standards, codes or other publications etc to be referenced to. If the space on a form is not sufficient to accommodate all of this material, you can refer to this material in an addendum or attachment.

However, the forms are approved in a Microsoft Word version so you can download the forms and add material directly to the particular parts of the form. Including a large volume of material on a form may mean the item boxes on the forms are extended. This is acceptable and does not change the approved form.

### **Can Form 15 be used for standard or generic designs?**

Yes. Form 15 can be used to certify standard or generic designs of materials, systems, methods of building or that building elements comply with the BCA or a provision of the QDC.

The certificate must set out the parameters and any limitations for the design such as the range of soil conditions or wind loads in accordance with relevant Australian Standards. The building certifier must ensure the proposed building work does not exceed these parameters.

Due to the nature of standard or generic designs, specific property descriptions will not always be known. In these cases it is not necessary to complete the property description details. However, where these details are known or the design is produced as a 'one-off' or is specific to a particular site, it is important to provide the property description details.

### **Do architects and designers have to use Form 15?**

No. It is not intended architects and building designers have to provide a Form 15 for the overall design of a building. Form 15 is intended to be used for the design of particular systems or components within a building that are outside of the building certifier's expertise. Examples of these are systems and components such as concrete footings and slabs, mechanical air handling or fire alarm systems etc.

### **Does Form 15 apply to the design of components such as trusses?**

The design of truss systems are engineered components within a building that may require certification by a competent person. One of the certificates required at the final stage of construction for a house relates to prefabricated frames (if applicable) and roof trusses. Before accepting the certificate, the certifier must have decided the person responsible for the design of the frame or truss system is competent.

In some cases an engineer may be considered a competent person to give a certificate about the design of a prefabricated frame or truss system. However, most frame and truss manufacturers use 'detailers' within their organisations to design systems using predetermined computer software

packages. There is currently no requirement in Queensland for a detailer to be licensed or registered to carry out the design of prefabricated frames or truss systems. A certifier can accept a detailer as a competent person for the design of frame and truss systems provided they are satisfied they have skills and experience in using relevant software packages.

### **How do I clarify that the work I have inspected and certified is only for an aspect?**

Item 1 on Form 16 has provisions to indicate if the certificate relates to a stage or aspect of building work. An example of an aspect of building work covered by item 1 of Form 16 is the excavation and reinforcement in the footing stage. Further detail about the actual components being covered by Form 16 can be set out in item 4.

Item 9 requires that a person sign the form and indicate if they are a building certifier, competent person or a QBSA licensee. For the building certifier and competent person, they are certifying the building work they have inspected meets the requirements set out in the approval by the building certifier and the relevant Australian Standards or codes. In the case of a QBSA licensee, the person is certifying the work carried out complies with the particular aspect they are responsible for.

### **In Item 7 of Form 15, am I certifying the whole building complies with the *Building Act 1975*?**

No. The reference to the BA in item 7 of Form 15 **does not mean the whole building complies with the BA**. This reference is taken to mean that a particular material, system, method of construction or a component of building work complies with the '*building assessment provisions*'. Section 30 of the BA sets out what the building assessment provisions are. They include documents such as the BCA and QDC which in turn refer to certain Australian Standards or other technical provisions.

Form 15 makes provisions to clearly describe the extent of the work being certified and the basis of the certification. The basis of the certification allows the person giving the certificate to nominate any relevant Australian Standard or specific provisions of the BCA or QDC that may be applicable.

The purpose of Form 15 is to certify the components identified in the certificate. Items 2, 3 and 4 of Form 15 provide the person giving the certificate the opportunity to clearly identify the extent of certification and the components it applies to.

### **Who is responsible for certifying other aspects of the building?**

Other aspects of building work can be certified by other competent persons, QBSA licensees or the building certifier responsible for the building development approval.

In the case of houses, the building certifier is responsible for arranging an inspection of a stage of construction after receiving a notice to inspect from the builder. For the footing and final stages, the building certifier must be satisfied all relevant aspects are satisfactory before issuing a certificate of inspection. The certifier may rely on certificates about the aspects from competent persons, QBSA licensees or carry out the inspection themselves.

For the slab and frame stages the certifier may also rely on certificates about the aspects from competent persons, QBSA licensees or carry out the inspection themselves. If a building certifier relies on a competent person to inspect these stages, the competent person must be satisfied all

aspects are satisfactory. For example, if a termite management system is being placed under the slab, that competent person must also be satisfied with the system. They may also rely on certificates from other competent persons, QBSA licenses or carry out the inspection themselves.

**Can a competent person (inspections) sign a certificate of inspection for a frame and slab stage?**

Yes. A competent person (inspections) can sign the certificate of inspection for the slab and frame stage of construction. Section 21 of the BR only restricts competent persons from signing certificates of inspection for the footing and final stages of construction unless they are a building certifier.

**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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Who can issue Form 16?									
Stage of Construction	Footing/Slab			Frame			Final		
	Competent Person	QBSA Licensee	Building Certifier	Competent Person	QBSA Licensee	Building Certifier	Competent Person	QBSA Licensee	Building Certifier
Inspection Certificate for Aspects <sup>1</sup>	✓	✓	NA	✓	✓	NA	✓	✓	NA
Certificate of Inspection for Stage <sup>2</sup>	x Footing Stage	x	✓	✓	x	✓	x	x	✓
	✓ Slab Stage								

✓ - Means the certificate **can** be issued by the person indicated for all of the aspects for the stage of assessable building work set out in the “Guidelines for inspecting single detached Class 1a and 10 buildings or structures”.

X - Means the certificate **cannot** be issued by the person indicated for the stage of assessable building work.

NA - In cases where the building certifier for the building development approval inspects an aspect of the work, no inspection certificate will be required.

1. - Item 1 on Form 16 makes provision to indicate the certificate is for a stage of assessable building work, an aspect of building work or an aspect of building work carried out by a QBSA licensee. When using the certificate to certify an aspect of building work, either as a competent person or QBSA licensee, the aspect must be clearly indicated. Item 9 on Form 16 also requires an indication of what is being certified. This should be consistent with the information indicated in item 1.

2. - Section 24(3) of the BR sets out the stages of assessable building work for single detached class 1a buildings. The BR refers to a “certificate of inspection” when a stage of assessable building work is being certified. In these cases item 1 on Form 16 must indicate the inspection certificate is relating to a stage of assessable building work and indicate what it is.