Reliance on component certificates

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Background

- The Local Government Act 1919 and Local Government Act 1993 permitted a council to rely on certificates or reports from other persons, provided councils with protection from liability when relying upon these certificates or reports and specified the types of inspections a council was able to carry out and the types of certification required.

- The Environmental Planning and Assessment Act 1979 (EP&A Act) allows a certifying authority to issue a construction certificate (CC) that certifies the proposed building, when constructed in accordance with the plans and specifications, will comply with the relevant provisions of the Act and Regulation.

- Once building work is completed, a principal certifying authority (PCA) can issue an occupation certificate (OC) to permit the use and occupation of the building.

- Certifying authorities rely on certificates for the design and installation of building works when issuing CCs and OCs. These certificates are generally issued by non-accredited persons and are known as component certificates.

The issue

- Building designs are complex and various construction techniques are used. The reliability, correctness and completeness of component certificates vary, as does the level of accountability held by the person issuing the certificate.

- Individual certifiers decide on the level of assessment necessary to determine the validity of the design or works undertaken in relation to the certificate issued. These levels of assessment also vary.

- The above circumstances create a lack of consistency in the variety of component certificates.

Proposed response

- Amend the EP&A Regulation to allow the certifying authority in good faith to rely on a component certificate issued by a non-accredited certifier for the design or installation of building work if they are satisfied that:
  - the person who issues the certificate is a suitably qualified person, and
  - the relevant design or installation work that is the subject of the certificate, has been satisfactorily carried out.
• Amend the EP&A Regulation to allow the certifying authority in good faith to rely on a component certificate issued by an accredited certifier for the design or installation of building work.

• Develop a standard template for component certificates of design or installation that can be adopted for issue by accredited or non-accredited persons.

Why?
• To minimise variations in the certificates issued, ensure a consistent level of information for any certification statement, and ensure certificates are issued by competent persons.

What do you think?
Click onto the online survey to tell us what you think of the proposed responses.

The survey will close on 15 June 2012, so let us know your thoughts before then.