

CONTRACT FOR CERTIFICATION WORKS

1. Council is a certifying authority and employees registered certifiers who are authorised to carry out certification work on behalf of Council.
2. Section 31 (1) of the *Building and Development Certifiers Act 2018* states that Council must not carry out certification work for a person unless it has entered into a written contract with that person.
3. The owner (or person having the benefit of the development consent) appoints Inverell Shire Council to carry out certification on the terms set out in this contract.

SECTION A – PARTIES TO THIS CONTRACT

1. Owner/s (or person having the benefit of the development consent)

☐ Mr ☐ Mrs ☐ Ms ☐ Dr Other:

Given Name/s:

Family/Company Name:

Postal Address:

Preferred Phone No.:

Email Address

2. Inverell Shire Council

ABN 72 695 204 530

144 Otho Street, Inverell

Phone: 0267 288 288

Email: council@inverell.nsw.gov.au

SECTION B – CERTIFICATION WORK

A development proposal will require a Construction/Complying Development Certificate, critical stage inspections and an Occupation Certificate. Inverell Shire Council may be appointed to do part or all of the certification work for your development proposal. Please select the one or more of the following certification work required for your development:

- ☐ Construction Certificate (CC) or Complying Development Certificate (CDC)
☐ Critical Stage Inspections
☐ Occupation Certificate

Development Description:

If known, please provide application details, as applicable:

Development Application No. Dated

Construction Certificate No. Dated

Issued By: ☐ Inverell Shire Council

☐ Other (specify):

OR

Complying Development No. Dated

Issued By: ☐ Inverell Shire Council

☐ Other (specify):

SECTION C - PROPERTY DETAILS

Lot No/s.	<input type="text"/>	Section No.	<input type="text"/>	DP/SP No.	<input type="text"/>
Street No.:	<input type="text"/>	Street Name:	<input type="text"/>		
Suburb:	<input type="text"/>				

SECTION D – CONTRACT DETAILS

1. Certifier Details

The details of the officers employed by Inverell Shire Council as registered Certifiers, any of whom may carry out certification works and inspections under this contract, can be found on the Fair Trading and Council's website (www.inverell.nsw.gov.au).

2. Fees and Charges

The fees and charges applicable for Council to undertake certification works are contained within Council's Fees and Charges available on Council's website (www.inverell.nsw.gov.au) or for inspection at Council's Administration Centre (144 Otho Street, Inverell). All fees and charges must be paid in full prior to Council determining a relevant certificate and/or undertaking a critical stage inspection.

3. Information Brochure

The *Development and Building Certifiers Regulation 2020* requires an information brochure containing details about the statutory obligations of certifiers, published by Fair Trading NSW, to be attached to this contract.

SECTION E – EXECUTION OF CONTRACT

1. Owner/s (or person having the benefit of the development consent)

Declaration:

- I have freely chosen to engage the certifier; and
- I have read the contract and attached information brochure and understand my responsibilities to those of the certifier.

Signature:	<input type="text"/>	Signature:	<input type="text"/>
Name:	<input type="text"/>	Name:	<input type="text"/>
Date:	<input type="text"/>	Date:	<input type="text"/>
Signature:	<input type="text"/>	Signature:	<input type="text"/>
Name:	<input type="text"/>	Name:	<input type="text"/>
Date:	<input type="text"/>	Date:	<input type="text"/>

2. Inverell Shire Council

Authorised Officer Signature:	<input type="text"/>
Name:	<input type="text"/>
Date:	<input type="text"/>

Information about registered certifiers – building surveyors and building inspectors

Important: this is a summary document only.

Before signing any contract for certification work, make sure you understand your obligations and what you are agreeing to. The Fair Trading website has more information about certifiers.

Under section 31(2) of the *Building and Development Certifiers Act 2018* and clause 31 of the *Building and Development Certifiers Regulation 2020*, a contract to carry out certification work must be accompanied by an applicable document made available on the website of the Department of Customer Service (which includes NSW Fair Trading)¹. This is the applicable document for certification work involving a certifier registered in the classes of **building surveyor** or **building inspector**, working in either the private sector or for a local council.

This document summarises the statutory obligations of the registered certifier who will assess your development and your obligations as the applicant for the development. It also sets out the types of information that can be found on Fair Trading's online register of registrations and approvals.

Obligations of registered certifiers

The general obligations of registered certifiers include compliance with their conditions of registration, to hold professional indemnity insurance, comply with a code of conduct and avoid conflicts of interest.

Who does a registered certifier work for?

A registered certifier is a public official and independent regulator, registered by the Commissioner for Fair Trading.

Certifiers must carry out work in a manner that is impartial and in the public interest, even if this is not in the interests of the applicant, developer, or builder. Receiving a certificate is not guaranteed – the applicant is paying for the certifier to assess the application and determine *whether or not* a certificate can be issued.

It is a serious offence to attempt to bribe or influence a certifier, attracting a maximum penalty of \$110,000 and/or two years imprisonment.

¹ Visit www.fairtrading.nsw.gov.au and search 'certification contracts'.

Obligations of the applicant

An applicant is the person seeking a certificate, or engaging a certifier for other certification work, under the *Environmental Planning and Assessment Act 1979*.

As an applicant, you have the following obligations:

- Appoint, and enter into a contract with, your chosen certifier.
- Pay the certifier's fees before any certification work is carried out.
- Communicate with your builder to ensure the certifier is notified when work reaches each stage. If a mandatory inspection is missed, the certifier may have to refuse to issue an occupation certificate.
- Follow any written direction issued by the certifier and provide any requested additional information to assess an application.
- Meet the conditions of any development consent and ensure the development is carried out in accordance with the approved plans.

What does a registered building surveyor do?

Registered **building surveyors** issue certificates under the *Environmental Planning and Assessment Act 1979* (construction certificates, complying development certificates and occupation certificates), act as the **principal certifier** for development, and inspect building work.

The principal certifier will attend the site to carry out mandatory inspections at certain stages. When construction is complete, the certifier may issue an occupation certificate, which signifies that the work:

- is 'suitable for occupation' – this does not necessarily mean all building work is complete
- is consistent with the approved plans and specifications
- meets all applicable conditions of the approval.

The certifier does not manage or supervise builders or tradespeople or certify that the builder has met all requirements of the applicant's contract with the builder.

What does a registered building inspector do?

Registered **building inspectors** carry out inspections of building work² with the approval and agreement of the principal certifier. Building inspectors are not authorised to issue certificates or be appointed as the principal certifier.

² Building inspectors may inspect class 1 and 10 buildings under the Building Code of Australia; that is, houses, duplexes and the like; garages and sheds; and structures such as swimming pools, retaining walls and fences.

Principal certifier enforcement powers

If the principal certifier becomes aware of a non-compliance with the development approval, the certifier must, by law, issue a direction to you and/or the builder, requiring the non-compliance to be addressed. If it is not, the certifier must notify the council which may take further action.

The certifier is also required to respond appropriately if a complaint is made about the development.

Finding more information on certifiers

Details of the class of registration each certifier holds, their period of registration, professional indemnity insurance and disciplinary history can be found at www.fairtrading.nsw.gov.au:

- [Details of registered certifiers](#) (or search 'appointing a certifier' from the homepage)
- [Disciplinary actions against certifiers](#) (or search 'certifier disciplinary register' from the homepage).

Questions?

The Fair Trading website www.fairtrading.nsw.gov.au has information about certifiers, enforcement powers, how to replace a certifier and resolving concerns about a certifier:

- Search '[what certifiers do](#)' for information about a certifier's role and responsibilities.
- Search '[concerns with development](#)' for information about enforcement powers of certifiers, councils and Fair Trading, and how to resolve concerns about a certifier.

The NSW Planning Portal at www.planningportal.nsw.gov.au provides information on the NSW planning and development certification system.

Note, although Fair Trading regulates certifiers, it does not mediate in contract disputes and does not regulate the actions of councils. Visit the Fair Trading website for more information.