



ADVISORY NOTICE

BUILDING

10/01

Advisory Notices are issued to assist in the interpretation of the Development Act 1993

June 2001

Private certification and a potential conflict of interest

Pursuant to Section 92 (1) (a) of the Development Act 1993, a private certifier must not exercise any functions of a private certifier in relation to a development if he or she has been involved in any aspect of the planning or design of the development (other than through preliminary advice of a routine or general nature).

The provision recognises that there would be a conflict of interest if a private certifier is required to certify an application where the certifier has had input in an earlier stage of the design.

An example of a conflict of interest that has been brought to the attention of the Building Advisory Committee (acting under delegation from the Minister, as the Private Certification Registration Authority), is where a private certifier has been engaged to provide a site bushfire hazard assessment and is then engaged as the relevant authority to carry out (on the same site) an assessment for compliance with the Building Rules, with the subsequent issue of a provisional building rules consent.

The Registration Authority considers that assessment of the category of bushfire attack and level of construction in accordance with AS 3959 cannot be regarded as 'preliminary advice of a routine or general nature' as it has a direct bearing on the design of the building.

In these cases the private certifier would be certifying the accuracy of their own hazard assessment.

Further information

Department for Transport, Urban
Planning and the Arts

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www.planning.sa.gov.au/building_advisory_notices/

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