

Frequently Asked Questions



PlanSA



Statement of Compliance

Q – What is changing?

A: From 5 April 2024 there will be a revised Statement of Compliance under section 146(2) of the *Planning, Development and Infrastructure Act 2016* (the Act). From this date the new form available at plan.sa.gov.au/_data/assets/word_doc/0004/1344019/Statement-of-Compliance-Version-5.docx will need to be used when completing the Statement of Compliance process. This is the form approved for that **Statement** in accordance with regulation 104(3) of the *Planning, Development and Infrastructure (General) Regulations 2017* (the Regulations).

Major changes in this updated form include:

Part A – Licensed building work contractor’s statement has been updated to:

- include new requirements for all Class 1 buildings (replacing the list on the current form that applies to Class 1b buildings). The new requirements are more specific about what works are to be identified as completed.
- identify, using check boxes, what items the building work contractor has completed, what items are not applicable to the building, and/or what items are ‘*To be completed by owner*’. This is to assist relevant authorities in consolidating documentation where multiple Statements of Compliance are issued for one building, alleviating some administrative burden.
- require the building work contractor to list the building work included in the development authorisation that has not been completed and will be the responsibility of the person signing *Part B – Owner’s statement* to complete within the prescribed time frame (other than when those items are identified as ‘*To be completed by owner*’ in Part A).

Part B – Owner’s statement has been updated to require the owner to:

- certify the builder has, to the best of the owner’s knowledge, completed the building work in accordance with the approved plans
- certify that, where the building is a Class 1a building, they understand they are required to complete, or facilitate the completion of, any items identified as ‘*To be completed by owner*’
- declare that they understand they may not occupy a building that does not meet the minimum requirements specified in regulation 103H of the *Planning, Development and Infrastructure (General) Regulations 2017*.

Q – When is it changing?

A: The changes come into effect on 5 April 2024. The revised Statement of Compliance must be used from this date onwards.

Q – Why is it changing?

A: Changes have been made to assist builders and owners in the building hand-over process and to help increase building safety through better communication and compliance. This revised Statement of Compliance benefits building safety, consumer confidence in the building industry and consumer protection.

Q – Where can I find out more information or assistance?

A: More information is available on plan.sa.gov.au, via email at PlanSA@sa.gov.au or phone 1800 752 664.

Q – How does this impact on builders?

A: From 5 April the revised Statement of Compliance must be used. Previous versions of the Statement of Compliance will no longer be compliant and cannot be used after 5 April. Business processes will need to be updated to make sure that the revised Statement of Compliance is used from 5 April.

Major changes for builders include:

Part A – Licensed building work contractor’s statement has been updated to:

- include new requirements for all Class 1 buildings (replacing the list on the current form that applies to Class 1b buildings). The new requirements are more specific about what works are to be identified as completed.
 - identify, using check boxes, what items the building work contractor has completed, what items are not applicable to the building, and/or what items are ‘*To be completed by owner*’. This is to assist relevant authorities in consolidating documentation where multiple Statements of Compliance are issued for one building, alleviating some administrative burden.
 - require the building work contractor to list the building work included in the development authorisation that has not been completed and will be the responsibility of the person signing *Part B – Owner’s statement* to complete within the prescribed time frame (other than when those items are identified as ‘*To be completed by owner*’ in Part A).
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Q – How does this impact on owners?

A: From 5 April the revised Statement of Compliance must be used. Building owners will be responsible for completing their section of the form.

Major changes for owners include:

Part B – Owner’s statement has been updated to require the owner to:

- certify the builder has, to the best of the owner’s knowledge, completed the building work in accordance with the approved plans
 - certify that, where the building is a Class 1a building, they understand they are required to complete, or facilitate the completion of, any items identified as ‘*To be completed by owner*’
 - declare that they understand they may not occupy a building that does not meet the minimum requirements specified in regulation 103H of the *Planning, Development and Infrastructure (General) Regulations 2017*.
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Q – How does this impact on local government?

A: From 5 April the revised Statement of Compliance must be used. Previous versions of the Statement of Compliance will no longer be compliant and cannot be used after 5 April. Business processes will need to be updated to make sure that the revised Statement of Compliance is used from 5 April. The completed Statement of Compliance may be sent to the Council directly or via plan.sa.gov.au.

Q – How does this impact on others involved in building (such as surveyors, certifiers and other professionals)?

A: From 5 April the revised Statement of Compliance must be used. Previous versions of the Statement of Compliance will no longer be compliant and cannot be used after 5 April. Business processes will need to be updated to make sure that the revised Statement of Compliance is used from 5 April.

Q – What will happen if the revised Statement of Compliance is not signed off?

A: See reg 104(9) of the PDI (General) Regulations – it is an offence to fail to complete the statement of compliance (and it is also an expiable offence).

Q – What should I do if I am not comfortable signing the form?

A: You can seek advice from a legal professional to ensure you understand what you are signing and why. This may make you more comfortable to sign or better understand your options.

Q – Can I still use the old form?

A: From 5 April the revised Statement of Compliance must be used. Previous versions of the Statement of Compliance will no longer be compliant and cannot be used after 5 April. Business processes will need to be updated to make sure that the revised Statement of Compliance is used from 5 April.

Q – What happens if I use the wrong form?

A: See reg 104(9) of the PDI (General) Regulations – it is an offence to fail to complete the statement of compliance (and it is also an expiable offence). If the wrong form has been completed and you would like to rectify, you should speak with your building certifier or local council.
