

Queensland



Subordinate Legislation 2003 No. 274

Building Act 1975 *Integrated Planning Act 1997* *State Penalties Enforcement Act 1999*

BUILDING LEGISLATION AMENDMENT REGULATION (No. 1) 2003

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**MINOR AMENDMENTS OF STANDARD BUILDING
REGULATION 1993**

PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Building Legislation Amendment Regulation (No. 1) 2003*.

2 Commencement

(1) This regulation, other than the sections mentioned in subsection (2), commences on 14 November 2003.

(2) Section 50, to the extent it inserts section 121B, and section 63 commence on 14 December 2004.

PART 2—AMENDMENT OF BUILDING REGULATION 2003

3 Regulation amended in pt 2

This part amends the *Building Regulation 2003*.

4 Amendment of sch 1 (Fees)

Schedule 1, items 3 and 4—

omit, insert—

- | | | |
|-----------|-------------------------------------------------------|-------|
| 3. | Application fee for licensing as a building certifier | 100 |
| 4. | Licence fee for licensing as a building certifier . . | 520’. |

PART 3—AMENDMENT OF INTEGRATED PLANNING REGULATION 1998

5 Regulation amended in pt 3

This part amends the *Integrated Planning Regulation 1998*.

6 Amendment of s 2A (Definitions)

Section 2A—

insert—

‘**“alternative provisions”** has the meaning given under the Standard Building Regulation, section 5.1’.

7 Insertion of new s 5AA

After section 5—

insert—

‘5AA Jurisdiction of tribunals—Act, s 4.2.7

‘A decision on a development application about the alternative provisions is a matter prescribed for section 4.2.7(2)(b) of the Act.’.

8 Amendment of s 6 (Tribunal appeal fees—Act, s 4.2.15)

(1) Section 6(1), after ‘appeal’—

insert—

‘, other than an appeal started by a building referral agency,’.

(2) Section 6(2)(b), ‘\$350’—

omit, insert—

1 Standard Building Regulation, section 5 (Definitions)—

“alternative provisions” means provisions mentioned in part 3 that are—

- (a) identified or stated in a planning scheme; and
- (b) alternative to the provisions of QDC, part 11 or 12; and
- (c) qualitative statements or quantitative statements.

‘\$360’.

(3) Section 6(2)(c), ‘\$500’—

omit, insert—

‘\$520’.

(4) Section 6(3)(a), ‘\$400’—

omit, insert—

‘\$410’.

(5) Section 6(3)(b), ‘\$500’—

omit, insert—

‘\$520’.

(6) Section 6(3)(c), ‘\$750’—

omit, insert—

‘\$770’.

9 Amendment of s 8 (Qualifications of general referees—Act, s 4.2.37)

Section 8(2), ‘alternative siting provisions mentioned in the Standard Building Regulation, section 45(1)(a),’—

omit, insert—

‘the alternative provisions’.

10 Amendment of s 9 (General manager of Queensland Building Services Authority may prosecute certain offences)

Section 9(a), ‘*Integrated Planning Act 1997*, section 5.3.8 or 5.3.16’—

omit, insert—

‘the Act, chapter 5, part 3’.

11 Amendment of s 10 (Offence about acting as private certifier)

(1) Section 10(2), ‘accreditation’—

omit, insert—

‘licensing’.

(2) Section 10(3), from ‘building certifier’s accreditation’ to ‘private certifier’—

omit, insert—

‘building certifier’s licence is endorsed as a private certifier when the action was taken’.

12 Amendment of sch 2 (Referral agencies and jurisdiction)

(1) Schedule 2, item 1, and the heading to the item—

omit, insert—

‘Building work—special fire services generally			
<p>1. Assessment of a fire safety system for a building or structure, other than for a temporary or special structure, against the Standard Building Regulation, if the building or structure—</p> <p>(a) is required by the Standard Building Regulation to have special fire services as listed in the Standard Building Regulation, schedule 2; or</p> <p>(b) includes an alternative solution, within the meaning of the Building Code of Australia,¹ assessed against the performance requirements of the Building Code of Australia, Volume 1, for the fire safety system</p>	<p>Queensland Fire and Rescue Service</p>	<p>Advice</p>	<p>For a building or structure—</p> <p>(a) if the building or structure is required to have special fire services—the matters mentioned in the Standard Building Regulation, schedule 3; or</p> <p>(b) if the building or structure includes an alternative solution, within the meaning of the Building Code of Australia, assessed against the performance requirements of the Building Code of Australia—the solution’s assessment against the <i>Building Act 1975</i>’.</p>

¹ Building Code of Australia, part A1 (Interpretation), section A1.1 (Definitions)—

“**Alternative Solution**” means a *Building Solution* which complies with the *Performance Requirements* other than by reason of satisfying the *Deemed-to-Satisfy Provisions*.

(2) Schedule 2, items 3 and 4, and the headings to the items—
omit, insert—

‘Building work—workplaces involving spray painting			
<p>3. Assessment of an aspect of building work against the Standard Building Regulation if—</p> <p>(a) the Queensland Development Code, part 2, applies to the work; and</p> <p>(b) the work is required to comply with performance criteria for the work, other than by the acceptable solutions for the work, stated in part 2</p>	<p>The chief executive of the department in which the <i>Workplace Health and Safety Act 1995</i> is administered</p>	<p>Concurrence</p>	<p>Assessment of the building work against the performance criteria stated in the Queensland Development Code, part 2</p>
Building work—retail meat premises			
<p>3A. Assessment of an aspect of building work against the Standard Building Regulation if—</p> <p>(a) the Queensland Development Code, part 4, applies to the work; and</p> <p>(b) the work is required to comply with performance criteria for the work, other than by the acceptable solutions for the work, stated in part 4</p>	<p>Safe Food Production QLD</p>	<p>Concurrence</p>	<p>Assessment of the building work against the performance criteria stated in the Queensland Development Code, part 4</p>

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Building work—private health facilities			
<p>3B. Assessment of an aspect of building work against the Standard Building Regulation if—</p> <p>(a) the Queensland Development Code, part 7, applies to the work; and</p> <p>(b) the work is required to comply with performance criteria for the work, other than by the acceptable solutions for the work, stated in part 7</p>	<p>The chief health officer under the <i>Health Act 1937</i></p>	<p>Concurrence</p>	<p>Assessment of the building work against the performance criteria stated in the Queensland Development Code, part 7</p>
Building work—workplace area less than 2.3 m²			
<p>4. Assessment of an aspect of building work against the Standard Building Regulation if—</p> <p>(a) the Queensland Development Code, part 1, applies to the work; and</p> <p>(b) the work is required to comply with the performance criterion for work areas,¹ other than by the acceptable solution for work areas, stated in part 1</p>	<p>The chief executive of the department in which the <i>Workplace Health and Safety Act 1995</i> is administered</p>	<p>Advice</p>	<p>Assessment of the building work against the performance criteria stated in the Queensland Development Code, part 1’.</p>

¹ See the Queensland Development Code, part 1, P5, for the performance criterion for work areas.

(3) Schedule 2, item 13 and the heading to the item—
omit.

(4) Schedule 2, items 3A to 26—
renumber as schedule 2, items 4 to 30.

PART 4—AMENDMENT OF STANDARD BUILDING REGULATION 1993

13 Regulation amended in pt 4 and schedule

This part and the schedule amend the *Standard Building Regulation 1993*.

14 Replacement of s 3 (No changes by local planning instruments or local laws)

Section 3—

omit, insert—

‘3 Interaction between this regulation and local planning instruments or local laws

‘(1) For IPA, section 3.1.3(4), this regulation is a code that can not be changed under a local planning instrument or a local law.²

‘(2) However, this regulation does not stop a local government making a planning scheme that—

- (a) under part 3,³ identifies or states alternative provisions; or
- (b) deals with building work in regard to matters not within the scope of this regulation.

‘(3) For the following, the alternative provisions apply as if they were part of this regulation—

- (a) a building certifier assessing, under section 11,⁴ a building development application for compliance with the alternative provisions;
- (b) a building development application requiring advice from the local government under section 20;⁵

2 Under IPA, section 3.1.3(5) (Code and impact assessment for assessable development), to the extent a local planning instrument or local law is inconsistent with the scope of this regulation, the instrument or local law is of no effect.

3 Part 3 (Requirements for siting, amenity and aesthetics)

4 Section 11 (Building certifiers to assess applications)

5 Section 20 (Local government must consider certain matters)

(c) appealing a decision on a building development application to which the alternative provisions apply.⁶

‘(4) However, subsection (3) applies only if the building development application is for development that is exempt development or self-assessable development under a planning scheme.’.

15 Amendment of s 4 (Most building work assessable against regulation)

(1) Section 4, heading, ‘**Most building work**’—

omit, insert—

‘**Building work that is**’.

(2) Section 4(2) and (3)—

omit, insert—

‘(2) For IPA, schedule 8, part 2, item 7, the building work mentioned in schedule 5, part 1, of this regulation is self-assessable development if the building work complies with—

(a) a deemed-to-satisfy provision of BCA; or

(b) an acceptable solution stated in a part of QDC.’.

‘(3) The building work mentioned in schedule 5, part 2, of this regulation is exempt development for IPA, schedule 8, part 3, item 11.’.

16 Amendment of s 5 (Definitions)

(1) Section 5, definitions “building certifier”, “building certifying functions”, “competent person”, “development application”, “development approval”, “local planning instrument”, “performance standards”, “prescribed qualifications”, “Queensland Residential Design Guidelines”, “road boundary clearance”, “self-assessable development” and “side and rear boundary clearance”—

omit.

(2) Section 5—

⁶ See the *Integrated Planning Regulation 1998*, section 5AA (Jurisdiction of tribunals—Act, s 4.2.7).

insert—

‘ **“alternative provisions”** means provisions mentioned in part 3⁷ that are—

- (a) identified or stated in a planning scheme; and
- (b) alternative to the provisions of QDC, part 11 or 12; and
- (c) qualitative statements or quantifiable standards.

“another Act”, for part 11, see section 111.

“application document” see section 14B(1).

“builder”, for part 8, see section 86.

“building certifier”, other than for parts 11 and 12, means—

- (a) if a private certifier who is an individual approves building work—the private certifier; or
- (b) if a private certifier who is a person, other than an individual, or public sector entity approves building work—any of the person’s or entity’s private certifiers licensed to perform a building certifying function for the building work; or
- (c) if the assessment manager approves building work—any of the assessment manager’s building certifiers licensed to perform a building certifying function for the building work.

“building development application” means the aspect of a development application for building work requiring assessment against this regulation.

“certificate of inspection”, for part 8, see section 87E(2).

“Commercial and Consumer Tribunal” means the Commercial and Consumer Tribunal established under the *Commercial and Consumer Tribunal Act 2003*, section 6.

“competent person”, for building work, means a person who—

- (a) is assessed by the building certifier for the work as competent to practise in an aspect of the design, building or inspection of the building work because of the person’s skill and experience in the aspect; and

7 Part 3 (Requirements for siting, amenity and aesthetics)

- (b) if the chief executive approves guidelines for assessing a person under paragraph (a)—is assessed by the building certifier according to the guidelines; and
- (c) is registered or licensed under a law applying in the State to practise in the aspect.

“complies”, for part 8, see section 84.

“conviction”, for part 11, see section 111.

“development information”, for a building development application, means a document about the following—

- (a) the physical characteristics and location of infrastructure related to the application;
- (b) local government easements, encumbrances or estates or interests in land likely to be relevant to the application;
- (c) site characteristic information likely to affect the assessment of the application.

Examples of information mentioned in paragraph (c)—

- location of mine subsidence areas
- location of land-slip areas
- location of contaminated land
- details of any heritage listed buildings
- location of any erosion control districts
- flood level information
- design or location of vehicle crossings
- design or location of stormwater connections
- discharge of swimming pool backwash water
- limitations on the capacity of sewerage, stormwater and water supply services
- limitations on driveway gradients
- design levels of proposed road or footway works

“final inspection certificate”, for part 8, see section 87K(2)(b).

“inspected work”, for part 8, see section 87D(1).

“inspection documentation”, for part 8, see section 87G(2).

“licence” see section 111.

“notice for inspection”, for part 8, see section 86.

“performance standards” means any of the following—

- (a) the performance requirements of BCA;
- (b) the performance criteria stated in QDC;
- (c) a requirement for building work for which a discretion may need to be exercised under the following—
 - (i) section 10(1)(d), 11 or 12 of the Act;
 - (ii) section 16, 17, 69 to 71, 94 or 110.

“prescribed qualifications”, for different levels of licensing as a building certifier, means—

- (a) the current education and experience accreditation issued by AIBS for the following levels of building certifier licensing—
 - (i) a building surveyor;
 - (ii) an assistant building surveyor;
 - (iii) a building surveying technician; or
- (b) any other education and experience accreditation AIBS considers is equivalent to education and experience accreditation issued by AIBS.

“qualitative statement” means a statement about a performance or outcome sought to be achieved when applicable buildings or structures are completed.

“quantifiable standard” means a standard that achieves a qualitative statement.

“show cause notice”, for part 11, see section 121F(1).

“show cause period”, for part 11, see section 121F(2)(c).

“spent conviction”, for part 11, see section 111.

“stages of building work”, for part 8, see section 87(1).

“suitable person”, for part 11, see section 111.’.

(3) Section 5, definition “outermost projection”, ‘or structure’—
omit.

17 Amendment of s 6 (Meaning of “available for inspection”)

Section 6(5) and (6)—

omit, insert—

‘(5) If a person authorised to inspect the document applies to the local government or the assessment manager in the approved form for a copy of the document, or part of it, the local government or assessment manager must give the person the copy.

‘(6) If the assessment manager is a local government, the local government may fix a fee under the *Local Government Act 1993*, section 1071A,⁸ for—

- (a) giving the person a copy of the document; or
- (b) making the document available for inspection.’.

18 Amendment of s 6A (Meaning of “Queensland Development Code”)

Section 6A—

insert—

‘(3) Without limiting subsection (2), if a provision of this regulation mentions QDC and, for applying the provision, it is necessary to apply a part of QDC mentioned in schedule 13, the part applies as at the date mentioned for the part in the schedule.’.

19 Amendment of s 9 (Proof of BCA)

Section 9(2), ‘accrediting body’—

omit, insert—

‘BSA’.

20 Amendment of s 10A (Application of QDC)

Section 10A, ‘QDC to the extent QDC’—

⁸ *Local Government Act 1993*, section 1071A (Power to fix regulatory fees)

omit, insert—

‘each part of QDC mentioned in schedule 13 to the extent the part’.

21 Replacement of s 10C (Relationship between QDC and BCA)

Section 10C—

omit, insert—

‘10C Relationship between QDC and BCA

‘If a part of QDC mentioned in schedule 13 is inconsistent with BCA, the part prevails to the extent of the inconsistency.’

22 Insertion of new pt 1, div 5

Part 1, after division 4—

insert—

‘Division 5—Guidelines

‘10D Application of div 5

‘This division applies if the chief executive approves guidelines for matters within the scope of this regulation.

‘10E Public notice of guidelines

‘(1) After approving the guidelines, the chief executive must give notice of the guidelines.

‘(2) The notice must—

- (a) be published in a newspaper the chief executive considers appropriate; and
- (b) state the places where copies of the guidelines may be inspected or bought.’

23 Amendment of s 11 (Building certifiers to assess applications)

(1) Section 11(1)(b), ‘may change this regulation’—

omit, insert—

‘deals with building work in regard to matters within the scope of this regulation’.

(2) Section 11—

insert—

‘(1A) However, if under this regulation, a part of QDC applies to an aspect of work for which a concurrence agency is stated under the *Integrated Planning Regulation 1998*, subsection (1)(a) does not apply to the extent assessment of the work against the part is within the concurrence agency’s jurisdiction.’.

24 Amendment of s 12 (Building certifier’s discretion—BCA)

Section 12(2)(a)(ii), ‘deemed to satisfy’—

omit, insert—

‘deemed-to-satisfy’.

25 Replacement of s 13A (Building certifier’s discretion—QDC)

Section 13A—

omit, insert—

‘13A Building certifier’s discretion—QDC, table 1

‘(1) This section applies for a building development application if—

- (a) a part of QDC mentioned in schedule 13, table 1, applies to the application; and
- (b) the part allows a discretionary decision (by, for example, using the word ‘suitable’ or ‘adequate’) about a material, system, method of building or other thing; and
- (c) under the application, a person proposes to use the material, system, method of building or other thing.

‘(2) The building certifier or, if a concurrence agency is stated for an aspect of the building work under the *Integrated Planning Regulation 1998*, the concurrence agency, must, in assessing the application, decide whether the material, system, method of building or other thing complies with the part of QDC, including whether—

- (a) each aspect of the building work, to which the performance criteria stated in the part apply, complies with—
 - (i) the criteria; or
 - (ii) if the chief executive has, under section 5 of the Act, varied how the criteria apply to the work—the criteria as varied; or
- (b) each aspect of the building work, to which an acceptable solution stated in the part applies, complies with the solution.’.

26 Insertion of new ss 14A–14D

Part 2, division 1—

insert—

‘14A Applications to include site works

‘A building development application must relate also to site works—

- (a) required for the building work; and
- (b) assessable against this regulation.

‘14B Documents to accompany building development applications

‘(1) This section applies to an architect, licensed builder, building designer or engineer who prepares a document (an “**application document**”) the person knows, or ought reasonably to know, is a supporting document for a building development application.

‘(2) Each application document the person prepares must show the following—

- (a) how the building work will comply with the Act;
- (b) whether a permit, approval or consent mentioned in section 55A(2), 56 or 58 or IPA, section 5.3.5(4),⁹ is necessary for an aspect of development related to the building work;

⁹ Section 55A (Development applications—on-site sewerage facilities), 56 (Building work over sewer or water main) or 58 (Building work over easements and subject to statutory covenants) or IPA, section 5.3.5 (Private certifier may decide certain development applications and inspect and certify certain works)

- (c) if the building work relates to a permit, approval or consent mentioned in section 55A(2), 56 or 58 or IPA, section 5.3.5(4), that has not lapsed or been withdrawn—how the building work is consistent with the permit, approval or consent;
- (d) if the building work relates to self-assessable development, declared under a planning scheme to be self-assessable development, that may affect the position, height or form of the building work—how the building work is consistent with requirements under the planning scheme for the self-assessable development;
- (e) if the building work requires site works that are—
 - (i) assessable against this regulation—how the site works comply with the Act; or
 - (ii) self-assessable against this regulation—the site works’ location and type.

‘(3) If an application document proposes the use of a performance based solution, the person must prepare another document that—

- (a) states the performance standards with which the building work purports to comply; and
- (b) states how the building work complies with the performance standards; and
- (c) contains details of how the performance based solution is different from the deemed-to-satisfy provisions of BCA or the acceptable solutions of QDC; and
- (d) contains details of inspection or test results and other documents or information relied on to prepare the application.

‘(4) In this section—

“**architect**” means a person registered as an architect under the *Architects Act 2002*.

“**building designer**” means a person who holds, under the *Queensland Building Services Authority Act 1991*, a licence for the following licence classes—

- (a) building design—low rise licence;
- (b) building design—medium rise licence;

(c) building design—open licence.¹⁰

“**engineer**” means a person registered as a registered professional engineer under the *Professional Engineers Act 2002*.

“**licensed builder**” has the meaning given under the *Queensland Building Services Authority Act 1991*.

“**supporting document**” means a document given or required to be given under IPA, section 3.2.1(3)(b).¹¹

‘14C Information on certain documents

‘(1) A person mentioned in section 14B(1) must show on each application document prepared by the person—

- (a) the person’s name; and
- (b) the person’s registration or licence number.

‘(2) However, if an application document does not show the information mentioned in subsection (1) (an “**unmarked document**”), the person must ensure the application documents prepared by the person are accompanied by another document that—

- (a) states the person’s name; and
- (b) states the person’s registration or licence number; and
- (c) identifies each unmarked document.

‘14D Chief executive may approve guidelines

‘(1) The chief executive may approve guidelines for preparing an application document.

‘(2) A person preparing an application document is taken to comply with section 14B if the person prepares the document in accordance with the guidelines.’.

10 See the *Queensland Building Services Authority Regulation 2003*, schedule 2, parts 11 to 13.

11 IPA, section 3.2.1 (Applying for development approval)

27 Amendment of s 19 (Public access to development information)

(1) Section 19(1), from ‘all documents’—

omit, insert—

‘all development information it has.’.

(2) Section 19(2), ‘a document’—

omit, insert—

‘development information’.

(3) Section 19—

insert—

‘(3) If a person applies to the local government in the approved form for development information, the local government must give the person a copy of the development information on payment of the fee fixed by the local government under the *Local Government Act 1993*, section 1071A.¹²’.

28 Amendment of s 20 (Local government must consider certain matters)

(1) Section 20(1)—

insert—

‘(d) the local government has not already given written advice about the matter, including, for example, a preliminary approval.’.

(2) Section 20(3), ‘The private’—

omit, insert—

‘Subject to subsection (4) and section 51, the private’.

(3) Section 20(5), from ‘may’—

omit, insert—

‘must accept the advice and act on it.’.

(4) Section 20—

insert—

12 *Local Government Act 1993*, section 1071A (Power to fix regulatory fees)

‘**(5A)** Subsections (4) and (5) do not apply if the matter is about the amenity and aesthetic impact of the proposed building work.¹³’.

(5) Section 20(6), ‘building’—

omit, insert—

‘private’.

(6) Section 20(5A) and (6)—

renumber as section 20(6) and (7).

29 Amendment of s 23 (Optional acceptability of certificates)

(1) Section 23(1), ‘this regulation’—

omit, insert—

‘the Act’.

(2) Section 23(2) and (3)—

omit, insert—

‘**(2)** Subject to compliance with part 8,¹⁴ a competent person may certify the person is satisfied on an inspection, completed in accordance with best industry practice, of a stage, or aspect of a stage, of the work that the stage or aspect complies with the Act and the development permit for the work.’

‘**(3)** A building certifier may accept in good faith and, without further checking, rely on the certification mentioned in subsection (1) or (2) to the extent compliance is certified.’

‘**(3A)** The building certifier must keep a record—

- (a) containing details of the documents or information relied on by the building certifier in deciding the person giving the certificate is a competent person; and
- (b) stating the building certifier’s reasons for considering the person giving the certificate to be a competent person.

‘**(3B)** The record must be kept for at least 5 years after the day the building certifier receives the certificate.’.

13 See section 51 (Request to local government about amenity and aesthetics).

14 Part 8 (Inspections)

(3) Section 23(3A) to (5)—

renumber as—

section 23(4) to (7).

30 Insertion of new s 23A

After section 23—

insert—

‘23A False or misleading documents

‘(1) A competent person must not, under section 23, give an assessment manager or a building certifier a document containing information the person knows is false or misleading in a material particular.

‘(2) Subsection (1) does not apply to a person if the person, when giving the document—

- (a) tells the assessment manager or building certifier, to the best of the person’s ability, how it is false or misleading; and
- (b) if the person has, or can reasonably obtain, the correct information—gives the correct information to the assessment manager or building certifier.

‘(3) It is enough to state that the document was, without specifying which, false or misleading.’.

31 Amendment of s 26 (Information private certifier must give to assessment manager)

(1) Section 26(1), ‘section 5.3.5(6)(c)²⁸’—

omit, insert—

‘section 5.3.5(6)¹⁵’.

(2) Section 26(1)(a)—

omit, insert—

15 IPA, section 5.3.5 also requires a copy of the application and decision notice to be given to the assessment manager.

‘(a) a copy of the plans, drawings and specifications lodged by the applicant;’.

(3) Section 26(1)(d)—

omit, insert—

‘(d) a list, in the approved form, of development information relied on by the private certifier to decide the building development application;’.

(4) Section 26(2) and (3)—

omit, insert—

‘(2) The private certifier must ensure each document is marked to identify it as a document—

- (a) approved by the private certifier; and
- (b) relating to the development approval.

Maximum penalty—20 penalty units.

‘(3) If a document is not marked as required by subsection (2) (an **“unmarked document”**), the private certifier must give the assessment manager another document—

- (a) identifying the edition number, if any, of the unmarked document; and
- (b) marked to identify each unmarked document as a document—
 - (i) approved by the private certifier; and
 - (ii) relating to the development approval.

Maximum penalty—20 penalty units.

‘(4) Before giving the documents to the assessment manager, the private certifier must ensure the approved form for the application¹⁶ is completed.

‘(5) If the assessment manager agrees, the documents mentioned in this section may be sent to the assessment manager electronically.’.

32 Insertion of new s 26A

After section 26—

¹⁶ See IPA, section 3.2.1(2) (Applying for development approval).

insert—

‘26A Documents to be kept by private certifier—IPA, s 5.3.17

‘(1) For IPA, section 5.3.17, the private certifier must keep a copy of—

- (a) the documents mentioned in section 26(1); and
- (b) the development information relied upon by the private certifier to decide the application.

‘(2) The documents mentioned in subsection (1) must be kept for 5 years after—

- (a) for building work for single detached class 1a buildings or class 10 buildings or structures—the day the private certifier gives the person mentioned in section 87K(1)¹⁷ a final inspection certificate; or
- (b) for assessable building work, other than building work mentioned in paragraph (a)—the day the certificate of classification is issued; or
- (c) if the approval for the building work lapses—the day the approval lapses.

Maximum penalty for subsection (2)—20 penalty units.’.

33 Amendment of s 28 (Assessment manager must keep drawings and documents)

Section 28(3)(f), ‘accreditations’—

omit, insert—

‘licences’.

34 Insertion of new s 28A

Part 2, division 5—

insert—

17 Section 87K (Building certifier to give owner documents)

‘28A Assessment manager must give owner documents

‘(1) For IPA, section 3.5.15(6)¹⁸—

- (a) a prescribed owner is—
 - (i) the owner of the following—
 - (A) a single detached class 1a building;
 - (B) a class 10 building or structure; and
 - (ii) is the person nominated on the approved form under IPA, section 3.2.1(2), as the person to receive documents; and
- (b) the prescribed documents are—
 - (i) a copy of the decision notice; and
 - (ii) the approved plans for the work.

‘(2) In this section—

“**decision notice**” see IPA, section 3.5.15(1).’.

35 Replacement of pt 3, hdg

Part 3, heading—

omit, insert—

**‘PART 3—REQUIREMENTS FOR SITING, AMENITY
AND AESTHETICS’.**

36 Replacement of pt 3, divs 1–3

Part 3, divisions 1 to 3—

omit, insert—

‘34 Siting and design standards for single detached housing

‘(1) This section applies to the following buildings and structures—

- (a) single detached class 1 buildings;

18 IPA, section 3.5.15 (Decision notice)

- (b) class 10 buildings and structures located on the same allotment as a single detached class 1 building.

‘(2) If a planning scheme identifies or states alternative provisions that apply to the buildings and structures, the alternative provisions apply.

‘(3) The provisions of QDC, parts 11 and 12, about boundary clearances and site cover apply to the buildings or structures to the extent a planning scheme does not identify or state alternative provisions about the boundary clearances and site cover that apply.

‘(4) The provisions of QDC, parts 11 and 12, about matters other than boundary clearances and site cover apply to the buildings or structures only to the extent the planning scheme states the provisions apply.

‘35 Siting and design standards for other housing

‘(1) This section applies to the following buildings and structures—

- (a) class 1 buildings, other than single detached class 1 buildings;
- (b) class 2, 3 or 4 buildings;
- (c) class 10 buildings or structures, located on the same allotment as a building mentioned in paragraph (a) or (b).

‘(2) If a planning scheme identifies or states alternative provisions that apply to the buildings and structures, the alternative provisions apply.

‘(3) The provisions of QDC, parts 11 and 12, apply to the buildings or structures only to the extent the planning scheme states the provisions apply.

‘36 Local governments to assess compliance with alternative provisions and performance criteria of QDC, pts 11 and 12

‘(1) This section applies to a building development application made to a private certifier if—

- (a) the application involves only development that is exempt development or self-assessable development under a planning scheme; and
- (b) QDC, part 11 or 12, or the alternative provisions apply to the application; and
- (c) either—

- (i) if there are alternative provisions that state a quantifiable standard that applies to the application—the proposed building or structure does not comply with the quantifiable standard stated in the alternative provisions; or
- (ii) if subparagraph (i) does not apply but there is an acceptable solution stated in QDC, part 11 or 12, that applies to the application—the proposed building or structure does not comply with the acceptable solution stated in the part.

‘(2) The private certifier must not approve the application unless advice has been obtained under section 20¹⁹ that the application complies with—

- (a) if there is a relevant qualitative statement stated in the alternative provisions—the qualitative statement; or
- (b) otherwise—a relevant performance criterion mentioned in QDC, part 11 or 12.’.

37 Omission of pt 3, div 4 hdg (Amenity and aesthetics)

Part 3, division 4, heading—

omit.

38 Amendment of s 50 (Local government declaration about amenity and aesthetics on methods of building and locality)

(1) Section 50(1), from ‘class 10a buildings’—

omit, insert—

‘class 10 buildings or structures, localities and forms of buildings and structures the local government considers—

- (a) may have an extremely adverse effect on the amenity or likely amenity of a locality; or
- (b) may be in extreme conflict with the character of a locality.’.

(2) Section 50(2), after ‘buildings or’—

insert—

‘structures’.

¹⁹ Section 20 (Local government must consider certain matters)

(3) Section 50(3), after ‘building’—

insert—

‘or structure’.

(4) Section 50(3), after ‘building’s’—

insert—

‘or structure’s’.

39 Amendment of s 51 (Request to local government about amenity and aesthetics)

(1) Section 51(3), after ‘building’—

insert—

‘or structure’.

(2) Section 51(3), after ‘building’s’—

insert—

‘or structure’s’.

40 Replacement of s 58 (Building work over easements)

Section 58—

omit, insert—

‘58 Building work over easements and subject to statutory covenants

‘(1) A building development application for building work over land in an easement or subject to a statutory covenant must not be approved unless the holders of registered interests in the easement or covenant consent to the building work.

Maximum penalty—20 penalty units.

‘(2) In this section—

“**statutory covenant**” means a covenant for which the registered holder of the covenant is—

(a) the State; or

- (b) a statutory body representing the State; or
- (c) a local government.’.

41 Replacement of ss 84–87

Sections 84 to 87—

omit, insert—

‘Division 1—Preliminary

‘84 Definitions for pt 8

‘In this part—

“builder” see section 86.

“certificate of inspection” see section 87E(2).

“complies”, for the inspection of building work by a building certifier or competent person, means the building certifier or competent person is satisfied on an inspection of the work, completed in accordance with best industry practice, that the work complies with the Act and the development permit for the work.

“final inspection certificate” see section 87K(2)(b).

“inspected work” see section 87D(1).

“inspection documentation” see section 87G(2).

“notice for inspection” see section 86.

“stages of building work” see section 87(1).

‘Division 2—Inspections for all assessable building work

‘85 Application of div 2

‘This division applies to assessable building work for all buildings.²⁰

20 See part 8, division 3, for additional requirements for building work for particular buildings and structures.

‘86 Notice for inspection

‘A person who is in charge of carrying out building work (a **“builder”**) must ensure a building certifier is given a notice advising the work has been carried out to a stage when inspection and, in some cases, testing must be performed under this part (a **“notice for inspection”**).

Examples of a builder—

1. A person who contracts with an owner to perform building work for the owner is a builder.
2. A person who is the owner of a building and who engages subcontractors to perform some or all of the building work for the building is a builder.

‘87 Stages of building work requiring inspection

‘(1) A notice for inspection must be given at each of the following stages of building work (the **“stages of building work”**)—

- (a) if the development approval for the work states stages of the work requiring inspection—each stage stated in the development approval;
- (b) if division 3 applies to the building work—each stage mentioned in section 87I.²¹

‘(2) However, a building certifier may inspect building work at any time, whether or not the building certifier is given a notice for inspection for the work.

‘(3) If—

- (a) the builder for the work is a licensed builder under the *Queensland Building Services Authority Act 1991*; and
- (b) the builder does not give the building certifier for the work a notice for inspection at each of the stages of building work as required under section 86;

the building certifier must notify the BSA of the fact.

21 Section 87I (Other stages of building work requiring inspection)

‘87A Chief executive may approve guidelines for inspection of building work

‘(1) The chief executive may approve guidelines for—

- (a) aspects of building work to be inspected at each stage of building work; and
- (b) ways of inspecting the work and certifying the work complies.

‘(2) An inspection of building work must be of the aspects, mentioned in the guidelines, for each stage of building work.

‘(3) A person inspecting and certifying aspects of building work is taken to comply with this part if the person inspects and certifies the work as required by the guidelines.

‘87B Entering premises for inspection

‘The occupier of the premises and the builder for the building work must, at all reasonable times during business hours, allow the building certifier or a competent person to enter the premises to inspect the work under this part.

‘87C Inspection of building work

‘(1) This section applies if a building certifier receives, under section 86, a notice for inspection for a stage of building work.²²

‘(2) The building certifier must—

- (a) at a time agreed between the builder for the work and the building certifier, inspect the building work; or
- (b) subject to subsection (4), accept from a competent person a certificate of inspection for the building work.

Maximum penalty—20 penalty units.

‘(3) If the building certifier is inspecting the work under subsection (2)(a), the building certifier may accept from a competent person a certificate for an aspect of the stage of building work only if,

²² See section 87A (Chief executive may approve guidelines for inspection of building work) for the aspects of work to be inspected at each stage of building work.

before the work for the aspect is carried out, the building certifier assessed the person as a competent person for certifying the aspect complies.

‘(4) For subsection (2)(b), if the stage of building work is the final stage, the competent person must be another building certifier who is licensed to perform building certifying functions for the work.

‘(5) A building certifier may accept a certificate of inspection from a competent person for a stage of building work only if—

- (a) before the person inspected the building work, the building certifier assessed the person as a competent person for the inspection; and
- (b) the person is not the builder for the work or another person who carried out the work; and
- (c) the certificate certifies all the aspects of the stage of building work comply; and
- (d) if guidelines are approved under section 87A²³—the aspects stated to comply are the aspects mentioned in the guidelines.

‘87D Building certifier inspects building work

‘(1) If the building certifier for building work inspects, under section 87C(2)(a), the work for which a notice for inspection has been given (the “**inspected work**”) and decides the work complies, the building certifier must give the builder for the work a written notice stating the inspected work complies.

‘(2) If the building certifier decides the inspected work does not comply, the building certifier must give the builder a written notice stating how the inspected work does not comply.

‘87E Competent person inspects building work

‘(1) This section applies if a competent person for building work inspects a stage of building work.

23 Section 87A (Chief executive may approve guidelines for inspection of building work)

‘(2) If the inspected work complies, the competent person must give the building certifier a certificate for the stage of building work stating the inspected work complies (a “**certificate of inspection**”).

‘(3) If the competent person decides the inspected work does not comply, the competent person must give the building certifier a written notice stating how the inspected work does not comply.

‘(4) The competent person must give the builder for the work a copy of a certificate or notice given under subsection (2) or (3).

‘87F Procedure if building work does not comply

‘(1) This section applies if—

- (a) the building certifier gives the builder for the building work a notice under section 87D(2); or
- (b) a competent person for the building work gives the building certifier a notice under section 87E(3).

‘(2) The builder must—

- (a) perform the work required to make the stage of building work comply; and
- (b) give the building certifier another notice for inspection for the work.

‘(3) If the builder does not perform the work required to make the stage of building work comply, the building certifier must, under part 4²⁴ of the Act, take enforcement action against the builder.

‘(4) However, if subsection (1)(b) applies, the building certifier is not required to take enforcement action against the builder unless the building certifier agrees with the competent person that the work for which the notice for inspection is given does not comply.

‘(5) Also, if the building certifier does not take enforcement action against the builder, the building certifier must give—

- (a) the competent person written reasons for not taking the action; and
- (b) the builder a written notice stating the inspected work complies.

‘(6) If the building certifier gives the builder an enforcement notice and the builder does not comply with the notice, the building certifier must notify the local government and the BSA of the fact.

‘(7) The builder must not start the stage of building work after the stage for which the notice of inspection has been given until—

- (a) the building certifier gives the builder a written notice stating the inspected work complies; or
- (b) the competent person gives the builder a copy of the certificate of inspection for the inspected work.

‘87G Building certifier to give assessment manager inspection documentation

‘(1) This section applies if a building certifier for building work is acting as a private certifier.

‘(2) Subject to subsection (3), the private certifier must give the assessment manager a copy of any documents of inspection of building work (“**inspection documentation**”)—

- (a) within 5 business days after all the building work is inspected by the private certifier and the work complies; or
- (b) if the engagement of the private certifier is discontinued before the building is completed—within 5 business days after the engagement is discontinued.

Examples of inspection documentation—

- certificate of inspection for the work
- a written notice, given to the builder for the work by the private certifier or a competent person for the work, about an inspection of the work

Maximum penalty—20 penalty units.

‘(3) If the inspection documentation includes a certificate of inspection from a competent person for the building work, the private certifier must give the assessment manager a copy of the inspection documentation within 5 business days after the private certifier accepts all the certificates.

‘(4) Subsection (2) applies whether or not the assessment manager has been given a notice about the discontinuance under IPA, section 5.3.11(2).²⁵

‘(5) For IPA, section 5.3.17, the private certifier must keep a copy of the inspection documentation for 5 years after the building work is completed.

‘Division 3—Inspections for assessable building work for particular buildings and structures

‘87H Application of div 3

‘(1) This division applies to assessable building work for the following—

- (a) a single detached class 1a building;
- (b) a class 10 building or structure, other than a fence, mast, antennae or similar structure;
- (c) an alteration to a building or structure mentioned in paragraph (a) or (b).

‘(2) The requirements mentioned in this division for assessing building work are in addition to the requirements mentioned in division 2²⁶ for assessing the work.

‘87I Other stages of building work requiring inspection

‘A notice for inspection must, under section 87(1)(b), be given at each of the following stages of building work²⁷—

- (a) for a single detached class 1a building—
 - (i) for the foundation and excavation stage—before the footings are poured; and
 - (ii) for the slab stage—before the concrete is poured; and

25 IPA, section 5.3.11 (Discontinuing engagement of private certifiers)

26 Division 2 (Inspections of all assessable building work)

27 See section 87 (Stages of building work requiring inspection) for the stages of building work, for all buildings, requiring inspection.

- (iii) for the frame stage, generally—before the cladding or lining is fixed; and
 - (iv) for the frame stage, for reinforced masonry construction—before the wall cavities are filled; and
 - (v) for the final stage—at the completion of all the aspects of building work mentioned in the guidelines approved under section 87A;²⁸
- (b) for an alteration to a single detached class 1a building—at each stage in paragraph (a) applying to the alteration and stated on the development approval;
 - (c) for a class 10 building or structure, other than a fence, mast, antennae or similar structure—at the completion of all items applying to class 10 buildings and structures and mentioned in the guidelines approved under section 87A;
 - (d) for an alteration to a class 10 building or structure, other than an alteration to a fence, mast, antennae or similar structure—at the completion of all items applying to the alteration and mentioned in the guidelines approved under section 87A;
 - (e) for a swimming pool—at the completion of the pool and fencing and before the pool is filled with water to a depth of 300mm or more.

‘87J Local government declaration about inspection

‘A local government may, by resolution, declare localities and forms of buildings or structures in its area exempt from inspection under section 87I(a) to (d) only if the local government is satisfied the absence of a notice for inspection at a particular stage of building work will not adversely affect public safety.

‘87K Building certifier to give owner documents

‘(1) If a building certifier for building work decides at the final inspection stage for building work that the work complies, the building

28 Section 87A (Chief executive may approve guidelines for inspection of building work)

certifier must give the owner of the building a copy of the documents mentioned in subsection (2)—

- (a) if the inspection documentation includes any certificates of inspection from a competent person for the work—within 5 business days after the building certifier accepts the certificates; or
- (b) otherwise—within 5 business days after all of the building work is inspected.

Maximum penalty—20 penalty units.

‘(2) For subsection (1), the documents are—

- (a) a copy of the inspection documentation for the work; and
- (b) a certificate in the approved form (a **“final inspection certificate”**).

Example for paragraph (a)—

a document showing an inspection of an aspect of the building work

‘(3) If the engagement of the building certifier for building work is discontinued before the final inspection stage for building work, the building certifier must give the owner of the building a copy of the inspection documentation for the work—

- (a) if the inspection documentation includes any certificates of inspection from a competent person for the work—within 5 business days after the building certifier accepts the certificates; or
- (b) otherwise—within 5 business days after the engagement is discontinued.

Maximum penalty—20 penalty units.

‘(4) Subsection (3) applies whether or not the assessment manager has been given a notice about the discontinuance under IPA, section 5.3.11(2).²⁹

‘(5) In this section—

“building” includes a structure.

²⁹ IPA, section 5.3.11 (Discontinuing engagement of private certifiers)

“owner”, of a building, means the person who is nominated on the approved form under IPA, section 3.2.1(2),³⁰ as the person to receive the inspection documentation for the building work.

‘87L Building certifier to give assessment manager final inspection certificate

‘(1) If a building certifier for building work is acting as a private certifier, the private certifier must, when giving the owner the inspection documentation for the work under section 87K, give the assessment manager a copy of the inspection documentation.

Maximum penalty—20 penalty units.

‘(2) For IPA, section 5.3.17, the private certifier must keep a copy of the inspection documentation for 5 years after the building work is completed.

Maximum penalty—20 penalty units.

‘Division 4—Other inspections and appeals

‘87M Application of div 4

‘This division also applies to assessable building work for all buildings.’.

42 Amendment of s 88 (Inspections by building referral agencies)

(1) Section 88(1), ‘person carrying out building work’—

omit, insert—

‘builder’.

(2) Section 88(2), ‘person’—

omit, insert—

‘builder’.

(3) Section 88(3)(a) and (b)(ii), ‘person giving the notice to inspect’—

30 IPA, section 3.2.1 (Applying for development approval)

omit, insert—

‘builder’.

43 Amendment of s 92 (Meaning of “substantially completed”)

Section 92—

insert—

‘(2) In this section—

“**building**” includes alterations to an existing building.’.

44 Amendment of s 95 (No occupation until certificate is issued)

(1) Section 95(1), ‘use or occupy’—

omit, insert—

‘, without reasonable excuse, use or occupy, or an owner of the building must not, without reasonable excuse, allow a person to use or occupy.’.

(2) Section 95—

insert—

‘(1A) Subject to subsection (3), the building certifier for the building work must, under part 4³¹ of the Act, take enforcement action against the owner if the building, or any part of the building, for which a certificate of classification is required to be issued is being used or occupied without the certificate being issued and remaining in force.

‘(1B) The building certifier is not required to take enforcement action against the owner if the building certifier is satisfied only building work of a minor nature is required to be performed before the building certifier must, under section 98(2), prepare the certificate of classification for the building.

‘(1C) If the building certifier gives the owner an enforcement notice and the owner does not comply with the notice, the building certifier must notify the local government of the fact.’.

(3) Section 95(2), ‘Subsection (1)’—

31 Part 4 (Show cause and enforcement notices) of the Act

omit, insert—

‘This section’.

(4) Section 95(1A) to (2)—

renumber as section 95(2) to (5).

45 Amendment of s 98 (Preparation of certificate of classification)

(1) Section 98(1)—

omit, insert—

‘(1) This section and section 99 apply to assessable development for a building other than the following—

- (a) a single detached class 1a building;
- (b) a class 10 building or structure.’.

(2) Section 98(2), ‘The’—

omit, insert—

‘Subject to subsection (2A), the’.

(3) Section 98(2)(c)—

omit, insert—

‘(c) if the building work is alterations to an existing building—the alterations are substantially completed.

Maximum penalty for subsection (2)—20 penalty units.’.

(4) Section 98—

insert—

‘(2A) However, the building certifier is not required to prepare the certificate until the applicant has given the building certifier the documents mentioned in subsection (6).’.

(5) Section 98(4)—

omit.

(6) Section 98(5)(c)—

omit, insert—

- (c) if the building work uses a building solution, within the meaning of BCA,³² restricting the use or occupation of the building—state the restriction; and
- (d) if the building work uses a performance based solution—list the performance standards used.’.

(7) Section 98(6), ‘, at the time of making the request for a certificate of classification’—

omit.

46 Amendment of s 101 (Certificate of classification for certain buildings built before 1 April 1976 with no previously issued certificate)

Section 101(1), ‘class 1 building’—

omit, insert—

‘class 1a building’.

47 Amendment of s 103 (Issue and inspection of certificates of classification)

(1) Section 103(1), ‘A building’—

omit, insert—

‘Subject to IPA, chapter 5, part 1,³³ a building’.

(2) Section 103(2), after ‘manager’—

insert—

‘within 5 business days after the document is issued’.

(3) Section 103(3), ‘2 years’—

32 BCA, part A1 (Interpretation), section A1.1 (Definitions)—

“**Building solution**” means a solution which complies with the *Performance Requirements* and is—

- (a) an *Alternative Solution*; or
- (b) a solution which complies with the *Deemed-to-Satisfy Provisions*; or
- (c) a combination of (a) and (b).

33 IPA, chapter 5 (Miscellaneous), part 1 (Infrastructure charges)

omit, insert—

‘5 years’.

(4) Section 103(4), after ‘inspection’—

insert—

‘until the building, or the part of the building to which the certificate relates, is demolished or removed’.

(5) Section 103(5)—

omit, insert—

‘(5) If a document is issued for a building or part of a building, the document replaces an existing certificate for the building or part.’.

48 Amendment of s 104 (When building referral agencies and fire authority to be advised)

(1) Section 104(2)—

insert—

‘(aa) a copy of plans and specifications showing the aspects of the completed building work within the agency’s jurisdiction³⁴ other than plans and specifications given to the agency under IPA, section 3.5.15(5); and’.

(2) Section 104(2), paragraphs (aa) and (b)—

renumber as paragraphs (b) and (c).

(3) Section 104(2)—

insert—

‘Maximum penalty—20 penalty units.’.

49 Amendment of s 109 (New certificate)

Section 109(2)—

omit, insert—

³⁴ For the jurisdiction of referral agencies, see the *Integrated Planning Regulation 1988*, section 4 (Referral agencies and jurisdiction).

‘(2) If a private certifier issues a certificate of classification under subsection (1), the private certifier must give the assessment manager a copy of the certificate within 5 business days after the certificate is issued.

‘(3) The certificate replaces an existing certificate for the building or part of the building for which the certificate is issued.’.

50 Replacement of pt 11, hdg and divs 1–6

Part 11, heading and divisions 1 to 6—

omit, insert—

‘PART 11— LICENSING BUILDING CERTIFIERS

‘Division 1—Preliminary

‘111 Definitions for pt 11

‘In this part—

“another Act” means—

- (a) an Act, other than the Act, regulating building certifiers (including private certifiers for building work); or
- (b) the *Queensland Building Services Authority Act 1991*; or
- (c) the *Building and Construction Industry (Portable Long Service Leave) Act 1991*; or
- (d) a law of another State or New Zealand that provides for the same matter as the Act or a provision of the Act.

“conviction” means a conviction, other than a spent conviction, for—

- (a) an offence under the Act or another Act, or an offence involving fraud or dishonesty; or
- (b) an offence against a law of the Commonwealth or another State if the act or omission that constitutes the offence would, if it happens in Queensland, be an offence under the Act or another Act, or an offence involving fraud or dishonesty; or
- (c) an offence committed anywhere in Australia before this section commenced that, apart from the non-commencement of this

section, would have been an offence mentioned in paragraph (a) or (b).

“licence” means a licence as a building certifier that is in force under this part.

“show cause notice” see section 121F(1).

“show cause period” see section 121F(2)(c).

“spent conviction” means a conviction—

- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
- (b) that is not revived as prescribed by section 11 of that Act.

“suitable person” means a person BSA decides, under division 3, is a suitable person to hold a licence.

‘Division 2—Accreditation standards body

‘112 Authorisation of accreditation standards body—Act, s 28

‘AIBS is authorised to be an accreditation standards body for accrediting building certifiers.

‘Division 3—Suitability of applicants and licensees

‘113 Suitability of applicants and licensees

‘(1) An individual is not a suitable person to hold a licence if—

- (a) the person is currently disqualified from holding a licence; or
- (b) the person does not hold a current accreditation issued by an accreditation standards body; or
- (c) BSA decides, under section 114, the person is not a suitable person to hold a licence.

‘(2) An individual who is not a suitable person can not hold a licence.

‘114 Decision on suitability

‘BSA must, when deciding whether a person is a suitable person to hold a licence, consider the following things—

- (a) whether the person has a conviction;
- (b) whether the person has previously been refused a licence, or has had a licence suspended or cancelled, under the Act or another Act;
- (c) whether the person has, under this Act or another Act, been disqualified from holding a licence;
- (d) dealings in which the person has been involved and the standard of honesty and integrity demonstrated in the dealings;
- (e) any failure by the person to carry out statutory obligations and the reasons for the failure;
- (f) whether the person holds a current accreditation issued by an accreditation standards body;
- (g) all other relevant circumstances.

‘115 Requirement to give BSA information or material about suitability

‘(1) This section applies to an applicant for the issue of a licence or the renewal of a licence.

‘(2) BSA may, by written notice given to the applicant, require the applicant to give BSA, within a stated reasonable period, information or material BSA reasonably considers is needed to establish the applicant’s suitability for the licence.

‘(3) The applicant is taken to have withdrawn the application if, within the stated reasonable period, the applicant does not comply with BSA’s requirement.

‘Division 4—Applications for licences and renewing licences

‘116 Application for licence—Act, s 29A

‘An application by an individual to be licensed must—

- (a) be made to BSA in the approved form; and
- (b) be accompanied by—
 - (i) the application fee and licence fee prescribed under the *Building Regulation 2003*; and
 - (ii) evidence of the applicant's identity; and
 - (iii) a copy of the applicant's certificate of accreditation for a particular level of licence from an accreditation standards body.

'117 Decision on application for licence

'(1) BSA must consider the application and decide to—

- (a) license the applicant at the level of licensing for which the applicant applied; or
- (b) refuse to license the applicant.

'(2) BSA may license the applicant only if BSA is satisfied the applicant is a suitable person to hold a licence.

'(3) If BSA decides to license the applicant, it must issue the licence to the applicant.

'(4) If BSA refuses to license the applicant or the applicant withdraws the application, BSA must refund to the applicant the licence fee paid.

'(5) If BSA makes a decision under subsection (1)(b), BSA must give the applicant written notice stating—

- (a) the decision; and
- (b) the reasons for the decision; and
- (c) the applicant's rights for a review of the decision.³⁵

'118 Duration of licence

'A licence remains in force for 1 year, unless earlier cancelled or surrendered.

³⁵ See section 121K (Review of BSA's decision about licence, particular level, and endorsement).

‘Division 5—Renewing licences

‘119 Notice of expiry of licence

‘(1) BSA must, at least 20 business days before a building certifier’s licence expires, give the building certifier notice of the expiry.

‘(2) The notice must state—

- (a) the day the current licence will expire; and
- (b) that, if the building certifier wishes to renew the licence, the building certifier must, on or before the expiry—
 - (i) apply to renew the licence; and
 - (ii) pay the licence fee; and
- (c) how to apply to renew the licence.

‘120 Application for renewal

‘(1) An application by a building certifier to renew the building certifier’s licence must be made on or before the day the licence expires.

‘(2) The application must—

- (a) be made to the BSA in the approved form; and
- (b) be accompanied by—
 - (i) the licence fee prescribed under the *Building Regulation 2003*; and
 - (ii) evidence of the applicant’s identity; and
 - (iii) evidence of maintenance of compliance with the prescribed qualifications; and
 - (iv) if the applicant’s licence is endorsed as a private certifier and the applicant is applying to continue the endorsement—the insurance coverage mentioned in section 129.³⁶

³⁶ Section 129 (Liability insurance and insurance bonds for private certifiers)

‘121 Existing licence taken to be in force while application is considered

‘(1) If an application is made under section 120 to renew a licence, the existing licence is taken to continue in force from the day it would, apart from this section, have expired until the day BSA makes a decision under section 121A(1).

‘(2) Subsection (1) does not apply if the licence is earlier cancelled, suspended or surrendered under this Act.

‘121A Decision on application for renewal of licence

‘(1) BSA must consider the application and decide to—

- (a) renew the licence at the level of licensing for which the applicant applied; or
- (b) refuse to renew the licence.

‘(2) BSA may renew the licence only if BSA is satisfied the applicant is a suitable person to hold a licence.

‘(3) If BSA decides to license the applicant, it must issue the licence to the applicant.

‘(4) If BSA refuses to license the applicant or the applicant withdraws the application, BSA must refund to the applicant the licence fee paid.

‘(5) If BSA makes a decision under subsection (1)(b), BSA must give the applicant written notice stating—

- (a) the decision; and
- (b) the reasons for the decision; and
- (c) the applicant’s rights for a review of the decision.³⁷

³⁷ See section 121K (Review of BSA’s decision about licence, particular level, and endorsement).

‘Division 6—Endorsing licences

‘121B Endorsement of licence for building certifier to issue development permits

‘(1) A building certifier may apply to BSA in the approved form for endorsement of the building certifier’s licence to issue development permits for building work.

‘(2) BSA may endorse the licence only if the building certifier has the competencies mentioned in schedule 8.

‘(3) If BSA decides not to endorse the building certifier’s licence, BSA must give the applicant written notice stating—

- (a) the decision; and
- (b) the reasons for the decision; and
- (c) the applicant’s rights for a review of the decision.³⁸

‘121C Endorsement of licence to act as private certifier

‘(1) A building certifier may apply to BSA in the approved form for endorsement of the building certifier’s licence as a private certifier.³⁹

‘(2) BSA may endorse the licence only if the building certifier—

- (a) is covered by the insurance mentioned in section 129; and
- (b) is licensed for 1 of the following levels of building certifier licensing—
 - (i) a building surveyor;
 - (ii) an assistant building surveyor.

‘(3) If BSA decides not to endorse the building certifier’s licence, BSA must give the applicant written notice stating—

- (a) the decision; and

38 See section 121K (Review of BSA’s decision about licence, particular level, and endorsement).

39 See the *Integrated Planning Regulation 1998*, section 10(3) (Offence about acting as a private certifier).

- (b) the reasons for the decision; and
- (c) the applicant's rights for a review of the decision.⁴⁰

'Division 6A—Cancellation and suspension of, and other changes to, licences and cancellation of endorsements

'121D Cancellation and suspension of licence or change of level of licensing

'(1) If BSA is satisfied the building certifier is not a suitable person to hold a licence as a building certifier, BSA may at any time cancel or suspend the building certifier's licence.

'(2) If BSA is satisfied a building certifier has not complied with the prescribed qualifications for the level of licensing for which the building certifier is licensed, BSA may—

- (a) suspend or cancel the building certifier's licence; or
- (b) change the building certifier's level of licensing for the licence.

'121E Cancellation of endorsement of licence to act as private certifier

'(1) This section applies to a building certifier if the building certifier's licence is endorsed as a private certifier.

'(2) If BSA is satisfied the building certifier does not have the insurance coverage mentioned in section 129, BSA must cancel the endorsement.

'Division 6B—Show cause notices

'121F Show cause notice

'(1) If BSA believes grounds exist to act under division 6A, BSA must, before taking the action, give the building certifier a notice (a **“show cause notice”**).

⁴⁰ See section 121K (Review of BSA's decision about licence, particular level, and endorsement).

‘(2) The show cause notice must—

- (a) state the grounds for proposing to act under division 6A; and
- (b) outline the facts and circumstances forming the basis for the grounds; and
- (c) invite the building certifier to show within a stated period (the “**show cause period**”) why the action should not be taken.

‘(3) The show cause period must be a period ending at least 20 business days after the show cause notice is given to the building certifier.

‘121G Representations about show cause notice

‘(1) The building certifier may make representations about the show cause notice to BSA in the show cause period.

‘(2) BSA must consider the representations.

‘121H BSA must decide action to take

‘After considering the representations for the show cause notice, BSA must decide to—

- (a) take no further action about the matter; or
- (b) take action under division 6A against the building certifier.

‘121I BSA must advise building certifier of its decision

‘(1) If BSA decides to take no further action about the matter, BSA must give the building certifier notice of the fact.

‘(2) If BSA decides to act under division 6A against the building certifier, BSA must give the building certifier written notice stating—

- (a) the decision; and
- (b) the reasons for the decision; and
- (c) the building certifier’s rights for a review of the decision.⁴¹

⁴¹ See section 121K (Review of BSA’s decision about licence, particular level, and endorsement).

‘121J When decision takes effect

‘If BSA acts under division 6A, the decision takes effect from the day the written notice mentioned in section 121I(2) is given to the building certifier.

‘Division 6C—Review of BSA’s decisions

‘121K Review of BSA’s decision about licence, particular level, and endorsement

‘(1) This section applies if an applicant is dissatisfied with BSA’s decision under section 117 or 121A to 121C or division 6A.

‘(2) The Commercial and Consumer Tribunal (the “**tribunal**”) has jurisdiction to review the decision.⁴²

‘(3) The applicant may, within 20 business days after BSA gives the applicant notice of the decision, apply to the tribunal for a review of the decision.⁴³

‘Division 6D—Register

‘121L Register—Act, s 30B

‘For section 30B(2)(e) of the Act, the particulars prescribed for each building certifier are—

- (a) the building certifier’s licence number; and
- (b) the day of issue and day of expiry for the building certifier’s licence; and
- (c) any endorsements on the building certifier’s licence; and
- (d) the level of licensing for the building certifier’s licence.

42 See the *Commercial and Consumer Tribunal Act 2003*, section 101 (Reviewable decisions).

43 See the *Commercial and Consumer Tribunal Act 2003*, section 102 (Application for review).

‘Division 6E—General provisions about licences

‘121M Automatic expiry on failure to apply for renewal

‘If a building certifier does not apply to renew the building certifier’s licence on or before the day the licence expires, the licence expires at the end of the day.

‘121N Surrendering licence

‘(1) A building certifier may surrender the building certifier’s licence by written notice to BSA.

‘(2) The surrender takes effect—

- (a) on the day the notice is given to BSA; or
- (b) if a later day of effect is stated in the notice, on the later day.

‘(3) The building certifier must, unless the building certifier has a reasonable excuse, return the licence to BSA within 10 business days after the day the surrender takes effect.

Maximum penalty for subsection (3)—10 penalty units.

‘121O Replacing licence

‘(1) A building certifier may apply to BSA in the approved form for the replacement of the building certifier’s licence if it has been lost, stolen, destroyed or damaged.

‘(2) If BSA is satisfied the licence has been lost, stolen, destroyed or damaged, BSA must—

- (a) replace the lost, stolen, destroyed or damaged licence with another licence; and
- (b) give the replacement licence to the applicant.

‘121P Notice of change in circumstances

‘(1) This section applies if a building certifier—

- (a) changes the building certifier’s address; or

- (b) holds an interstate or New Zealand licence as a building certifier and the licence is suspended or cancelled; or
- (c) is convicted of—
 - (i) an offence against this Act or another Act; or
 - (ii) an offence involving fraud or dishonesty.

‘(2) The building certifier must give BSA written notice of the matter within 20 business days after the change, suspension, cancellation or conviction.

Maximum penalty—

- (a) if the offence relates to subsection (1)(a)—1 penalty unit; or
- (b) if the offence relates to subsection (1)(b) or (c)—10 penalty units.

‘121Q Notice of certain events to interstate licensing authorities and other entities

‘(1) This section applies if—

- (a) a building certifier’s licence is cancelled or suspended; or
- (b) conditions are imposed on a building certifier’s licence; or
- (c) conditions on a building certifier’s licence are removed.

‘(2) As soon as practicable after an event mentioned in subsection (1), BSA must give notice about the event to each interstate or the New Zealand licensing authority with which the BSA is aware the building certifier is licensed as a building certifier.

‘(3) Also, BSA may give notice about the event to any of the following—

- (a) each accreditation standards body;
- (b) an employer of the building certifier;
- (c) another entity BSA reasonably believes needs to know about the event.

‘(4) A notice under this section may include the information BSA considers appropriate in the circumstances.’.

51 Amendment of s 123 (Employment of cadet building certifier to assist building certifying functions)

Section 123, ‘accreditation’—

omit, insert—

‘licensing’.

52 Amendment of s 124 (Role of building certifiers and cadet building certifiers)

(1) Section 124, ‘accredited’—

omit, insert—

‘licensed’.

(2) Section 124(1) to (3), ‘, may’—

omit, insert—

‘may’.

(3) Section 124(3)(a), ‘when employed by a local government’—

omit, insert—

‘if employed by a local government, other than a local government mentioned in schedule 7’.

(4) Section 124(3) and (4), after ‘buildings’—

insert—

‘or structures’.

53 Insertion of new s 127

Part 12, before section 128—

insert—

‘127 Code of conduct—Act, s 32

‘The code of conduct made by the chief executive on 20 October 2003 is approved.’.

54 Amendment of s 128 (Certifiers not to be engaged if there is a conflict of interest)

Section 128(2)(a)(iii)—

omit, insert—

‘(iii) is engaged to perform functions (other than a building certifying function, managing development applications relating to the building work or giving regulatory advice about any matter) by the person who carries out the building work; or

Example of managing development applications—

lodging, for an applicant, several development applications for various aspects of the development’.

55 Amendment of s 129 (Liability insurance and insurance bonds for private certifiers)

Section 129(2)(c) and (f), ‘accredited’—

omit, insert—

‘licensed’.

56 Omission of pt 13 (Local government fees)

Part 13—

omit.

57 Insertion of new pt 14, div 1 hdg

Part 14, before section 131—

insert—

‘Division 1—Transitional provisions for Standard Building Amendment Regulation (No. 1) 2003’.

58 Insertion of new pt 14, div 2

After section 132—

insert—

***‘Division 2—Transitional provisions for Building Legislation
Amendment Regulation (No. 1) 2003***

‘133 Definitions for pt 14, div 2

‘In this division—

“accrediting body” means the accrediting body in existence under the unamended regulation.

“amending regulation” means the *Building Legislation Amendment Regulation (No. 1) 2003*.

“commencement” means the day the amending regulation, section 58, commences.

“unamended regulation” means this regulation as in force immediately before the commencement.

‘134 Existing accreditations

‘(1) This section applies to a person who, immediately before the commencement, held an accreditation as a building certifier for a particular level of licensing as a building certifier.

‘(2) The person, from the commencement, is taken to be the holder of a licence for the level.

‘(3) If the accreditation held by the person immediately before the commencement was subject to a restriction or condition, the licence the person is taken to hold from the commencement is also taken to be subject to a condition in the same terms, so far as practicable, as the restriction or condition.

‘(4) If the accreditation held by the person immediately before the commencement was endorsed as a private certifier, the licence the person is taken to hold from the commencement is also taken to be endorsed as a private certifier.

‘(5) In this section—

“accreditation” includes an interim accreditation.

‘135 Existing applications for accreditations

‘(1) This section applies to an application for the issue or renewal of an accreditation made under the unamended regulation and not decided before the commencement.

‘(2) The application is taken to be an application for licensing and must be decided under this regulation.

‘(3) Subject to subsection (4), the provisions of this regulation about issuing or renewing licences apply to the application.

‘(4) The provisions of the unamended regulation dealing with making the application in the approved form and paying the application fee and licence fee apply to the application.

‘136 Existing applications for endorsement of licence to act as private certifier

‘(1) This section applies to an application for endorsement of a building certifier’s accreditation as a private certifier made under the unamended regulation and not decided before the commencement.

‘(2) The application is taken to be an application for endorsement of a building certifier’s licence as a private certifier and must be decided under this regulation.

‘137 Appeals to court against accrediting body’s decision

‘(1) If—

- (a) a person has appealed to the court under the unamended regulation against a decision of the accrediting body; and
- (b) the appeal has not been decided before the commencement;

the court may decide the appeal as if the unamended regulation had not been amended by the amending regulation.

‘(2) If—

- (a) a person could have appealed to the court under the unamended regulation against a decision of the accrediting body; and
- (b) the person had not appealed before the commencement;

the person may appeal to the Commercial and Consumer Tribunal for a review of the decision under section 121K⁴⁴ as if the decision of the accrediting body were a decision of BSA.

‘138 BSA taken to be the accrediting body

‘In an Act or document, a reference to the accrediting body must, if the context permits, be taken to be a reference to BSA.

‘139 Local government building surveying technicians

‘(1) This section applies to an individual who is, immediately before the commencement, employed by a local government as a building certifier accredited at the level of a building surveying technician.

‘(2) The unamended regulation, section 124(3)(a),⁴⁵ continues, for 7 years from the commencement, to apply to the individual as if the section had not been amended by the amending regulation.

‘(3) This section expires 7 years after the commencement.’.

59 Amendment of sch 5 (Development)

(1) Schedule 5, part 1, item 5A—

renumber as schedule 5, part 1, item 6.

(2) Schedule 5, part 1—

insert—

‘7. Building work that is—

- (a) the installation, repair, maintenance or alteration of a heating appliance, other than a heating appliance that is an integral part of, or abuts, the building; or
- (b) erecting a sign that is—
 - (i) detached from a building; and

44 Section 121K (Review of BSA’s decision about licence, particular level, and endorsement)

45 Section 124 (Role of building certifiers and cadet building certifiers)

- (ii) no higher than 2 m; and
- (iii) no wider than 1.2 m.

8. Repairs, maintenance or alterations to an existing building or structure if the repairs, maintenance or alterations—

- (a) do not change the floor area or height of the building or structure; and
- (b) do not affect a structural component, other than a minor structural component if the repairs, maintenance or alterations do not affect more than 20% of the total number of the type of minor structural component in the building or structure; and

Example of minor structural component—

- a verandah post
 - a roof beam or lintel supporting not more than 5 m² of roof area
 - metal connectors or bracing members
- (c) do not affect a fire safety system, other than a minor component of a fire safety system if the repairs, maintenance or alterations do not affect more than 20% of the total number of the type of minor component in the building or structure; and

Example of minor component of a fire safety system—

- a sprinkler head
 - a smoke alarm
- (d) for each storey of a sole-occupancy unit—do not affect, over 3 years, more than the lesser of the following—
 - (i) 20% of the gross floor area;
 - (ii) 40 m² of floor area; and
 - (e) for each storey of a part of a building or structure, other than a sole-occupancy unit—do not affect, over 3 years, more than the lesser of the following—
 - (i) 20% of the gross floor area;
 - (ii) 40 m² of floor area.

9. Attaching minor attachments to an existing building, including, for example, sun hoods projecting no more than 1 m from the building, sun blinds, roof ventilators or similar attachments.

10. Temporary site offices, gantries and scaffolding on building sites.’.

(3) Schedule 5, part 2, items 7 and 9—

omit.

(4) Schedule 5, part 2, items 6 and 8—

renumber as schedule 5, part 2, items 1 and 2.

(5) Schedule 5, part 2—

insert—

‘3. Attaching sun hoods to an existing building, if the area of each sun hood is less than 2 m².’.

60 Amendment of sch 6 (Building work requiring local government approval or decision)

(1) Schedule 6, items 1, 2 and 4—

omit.

(2) Schedule 6, item 3, ‘section 47(2)’—

omit, insert—

‘QDC, part 11 or 12’.

(3) Schedule 6—

insert—

‘7. For proposed development that does not, under section 36(1)(c)(i), comply with a quantifiable standard stated in the alternative provisions, compliance with—

(a) if there is a qualitative statement stated in the alternative provisions that is relevant to the quantifiable standard—the qualitative statement; or

(b) otherwise—the performance criterion mentioned in QDC, part 11 or 12, that is relevant to the quantifiable standard.

‘8. For proposed development that does not, under section 36(1)(c)(ii), comply with an acceptable solution stated in QDC, part 11 or 12, compliance with—

- (a) if there is a qualitative statement stated in the alternative provisions that is relevant to the acceptable solution—the qualitative statement; or
 - (b) otherwise—the performance criterion mentioned in QDC, part 11 or 12, that is relevant to the acceptable solution.’.
- (4) Schedule 6, items 3 to 8—
renumber as schedule 6, items 1 to 5.

61 Replacement of sch 7 (Elements of Queensland residential design guidelines that local governments may apply)

Schedule 7—

omit, insert—

‘SCHEDULE 7

‘LOCAL GOVERNMENTS

section 124(3)(a)

Beaudesert Shire Council
 Brisbane City Council
 Bundaberg City Council
 Burnett Shire Council
 Caboolture Shire Council
 Cairns City Council
 Calliope Shire Council
 Cooloola Shire Council
 Crow’s Nest Shire Council
 Douglas Shire Council
 Gladstone City Council
 Gold Coast City Council

Hervey Bay City Council
Ipswich City Council
Livingstone Shire Council
Logan City Council
Mackay City Council
Mareeba Shire Council
Maroochy Shire Council
Maryborough City Council
Noosa Shire Council
Pine Rivers Shire Council
Redcliffe City Council
Redland Shire Council
Rockhampton City Council
Thuringowa City Council
Toowoomba City Council
Townsville City Council
Whitsunday Shire Council’.

62 Omission of schs 8–12

Schedules 8 to 12—

omit.

63 Insertion of new sch 8

After schedule 7—

insert—

‘SCHEDULE 8

‘COMPETENCIES

section 121B(2)

- understand the responsibilities of performing certification functions
- verify competence to perform certification functions
- accept and verify that the application is competent
- undertake investigations to ascertain whether other approvals are required
- conduct a preliminary assessment of the application
- conduct an assessment of the application
- make a decision on the application
- undertake inspections
- issue a certificate of classification
- undertake enforcement
- perform miscellaneous functions’.

64 Replacement of sch 13 (Queensland Development Code)

Schedule 13—

omit, insert—

‘SCHEDULE 13

‘QUEENSLAND DEVELOPMENT CODE

section 6A

Table 1: IPA, concurrence agency

Part of QDC	Date published
1—Workplaces	23 August 2002
2—Workplaces involving spray painting	23 August 2002
3—Detention centres	23 August 2002
4—Retail meat premises	23 August 2002
7—Private health facilities	23 August 2002
14—Fire safety in budget accommodation buildings	23 August 2002

Table 2: Local government

Part of QDC	Date published
11—Design and siting standard for single detached housing on lots under 450 m ²	25 August 2003
12—Design and siting standard for single detached housing on lots 450 m ² and over	23 August 2002

Table 3: Other

Part of QDC	Date published
20—Residential services building standard	23 August 2002
22—Child care centres	1 September 2003’.

PART 5—AMENDMENT OF STATE PENALTIES ENFORCEMENT REGULATION 2000

65 Regulation amended in pt 5

This part amends the *State Penalties Enforcement Regulation 2000*.

66 Amendment of sch 5 (Other legislation)

(1) Schedule 5, entry for the *Building Act 1975*—

insert—

‘s 30(1).....	8
s 36(4)	6
s 39A(1).....	8
s 39B(1).....	8’.

(2) Schedule 5, entry for the *Building Act 1975*, entry for Authorised person for service of infringement notices—

omit, insert—

‘Authorised person for service of infringement notices—

- (a) for an offence against any of the following, an authorised person under the *Local Government Act 1993*, section 1084⁴⁶—
 - (i) section 14(1);
 - (ii) section 16;
 - (iii) section 16A(2);
 - (iv) section 16B(2);
 - (v) section 16D(5);
 - (vi) section 16E(5);
 - (vii) section 18; or
- (b) for an offence against any of the following, the general manager under the *Queensland Building Services Authority Act 1991*—

⁴⁶ *Local Government Act 1993*, section 1084 (Appointment)

- (i) section 30(1);
- (ii) section 36(4);
- (iii) section 39A(1);
- (iv) section 39B(1).’.

(3) Schedule 5, entry for the *Integrated Planning Act 1997*—

insert—

‘s 5.3.4(1)	8
s 5.3.4(2)	8
s 5.3.5(4)	8
s 5.3.5(6)	4
s 5.3.5(6B)	4
s 5.3.5(7)	4
s 5.3.9(2)	4’.

(4) Schedule 5, entry for the *Integrated Planning Act 1997*, entry for Authorised person for service of infringement notices—

insert—

‘(c) for an offence against any of the following, the general manager under the *Queensland Building Services Authority Act 1991*—

- (i) section 5.3.4(1) or (2);
- (ii) section 5.3.5(4), (6), (6B) or (7);
- (iii) section 5.3.9(2).’.

(5) Schedule 5—

insert—

‘INTEGRATED PLANNING REGULATION 1998

‘Column 1	Column 2
Infringement notice offence	Infringement notice fine (penalty units)
s 10(1)	8

‘Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)
s 10(2)	8
s 10(3)	8

Authorised person for service of infringement notices—an auditor authorised by the Queensland Building Services Authority under the *Building Act 1975*, section 36’.

(6) Schedule 5—

insert—

‘STANDARD BUILDING REGULATION 1993

‘Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)
s 26(2)	2
s 26(3)	2
s 26A(2)	2
s 55A(2)	2
s 56(2)	2
s 58(1)	2
s 87C(2)	2
s 87G(2)	2
s 87K(1)	2
s 87K(3)	2
s 87L(1)	2
s 87L(2)	2
s 98(2)	2
s 104(2)	2
s 121N(3)	1
s 121P(2)(b)	1

Authorised person for service of infringement notices—an auditor authorised by the Queensland Building Services Authority under the *Building Act 1975*, section 36’.

SCHEDULE

MINOR AMENDMENTS OF STANDARD BUILDING REGULATION 1993

section 13

- 1 Section 6(4)(a) and (b), ‘of person’—
insert—
‘of a person’.
- 2 Pt 2 hdg, before ‘development’—
insert—
‘BUILDING’.
- 3 Sections 11(1), 12(1)(b), 14, 20(1)(a), 21(3)(b), 22(1), 24(1), 27(1), 28(1) and (2), 29(1), 30(1), 30A(1) and (4), 31(1), 51(1), 56(1), 63(1)(a), 69(1), 70, 83E(1) and 97(2), before ‘development’—
insert—
‘building’.
- 4 Section 19(1), before ‘development applications’—
omit, insert—
‘building’.
- 5 Section 50(2), ‘Development’—
omit, insert—
‘Building development’.

SCHEDULE (continued)

6 Section 128(3), definition “building work”, ‘whole of part’—

omit, insert—

‘whole or part’.

7 Section 128(3), definition “building work”, ‘all of part’—

omit, insert—

‘all or part’.

ENDNOTES

1. Made by the Governor in Council on 6 November 2003.
2. Notified in the gazette on 7 November 2003.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Local Government and Planning.