



Queensland

# **Building Amendment Act 2005**

**Act No. 23 of 2005**





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### **Act No. 23 of 2005**

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**An Act to amend the *Building Act 1975***

**[Assented to 19 May 2005]**

**The Parliament of Queensland enacts—****1 Short title**

This Act may be cited as the *Building Amendment Act 2005*.

**2 Act amended**

This Act amends the *Building Act 1975*.

**3 Replacement of s 12B (Meaning of *budget accommodation building*)**

Section 12B—

*omit, insert—*

**‘12B Meaning of *budget accommodation building***

‘(1) A *budget accommodation building* is a building that—

- (a) has bathroom or sanitary facilities, other than a laundry, shared by all or any of the occupants of the building; and
- (b) provides accommodation of a following type for 6 or more persons—
  - (i) boarding house, backpacker or other hostel, guesthouse or similar type accommodation;
  - (ii) bed and breakfast, farmstay or hotel accommodation;
  - (iii) accommodation for persons who have an intellectual or physical disability and require full time or part time care.

‘(2) However, each of the following is not a budget accommodation building—

- (a) a building used as a class 1a building or class 2 building;
- (b) a hotel that does not provide accommodation to paying guests;
- (c) a motel building in which individual beds can not be let;

- (d) a building that can only be let as a whole;
- (e) a building—
  - (i) in which an employer provides, under, or as an incident of, an employer-employee relationship, accommodation to persons other than backpackers or fruit-pickers; and
  - (ii) in which no one is accommodated other than—
    - (A) a person provided accommodation as mentioned in subparagraph (i); or
    - (B) the employer; or
    - (C) the employer's spouse or other relatives;
- (f) a building that is, or forms part of—
  - (i) a corrective services facility under the *Corrective Services Act 2000*; or
  - (ii) a detention centre under the *Juvenile Justice Act 1992*;
- (g) a facility in which residential care under the *Aged Care Act 1997* (Cwlth) is provided by an approved provider under that Act;
- (h) a building—
  - (i) that is, or is located within or is part of, an educational institution; or
  - (ii) in which an educational institution provides accommodation only for its students;
- (i) a class 9a building, other than a building the primary use of which is to provide accommodation (rather than medical supervision) to persons with an intellectual or physical disability;
- (j) a building used as a womens' refuge or shelter that is not used for any other type of accommodation;
- (k) a building in which the only accommodation provided is to lifesavers;

- (l) a building in which the only accommodation provided is recreational accommodation for camps for school groups, girl guides, scouts or similar groups.

‘(3) In this section—

***bathroom or sanitary facilities***, for a building, means—

- (a) bathroom or sanitary facilities located in the building; or  
(b) bathroom or sanitary facilities located elsewhere that are used in relation to the occupation of the building.

*Example for paragraph (b)—*

an outhouse used by occupants of the building

***class 1a building*** means a building that, under the 2004 edition of the BCA, part A3.2, is classified as a class 1a building.<sup>1</sup>

***class 2 building*** means a building that, under the 2004 edition of the BCA, part A3.2, is classified as a class 2 building.<sup>2</sup>

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1 BCA (2004 edition), part A.3.2 (Classifications)—

‘**Class 1a**—a single dwelling being—

- (i) a detached house; or  
(ii) one or more attached dwellings, each being a building, separated by a *fire-resisting* wall, including a row house, terrace house, town house or villa unit; ...’

2 BCA (2004 edition), part A.3.2 (Classifications)—

‘**Class 2:** a building containing 2 or more sole-occupancy units each being a separate dwelling. ...’



**class 9a building** means a building that, under the 2004 edition of the BCA, part A3.2, is classified as a class 9a building.<sup>3</sup>

**educational institution** means any of the following—

- (a) a State educational institution under the *Education (General Provisions) Act 1989*, section 2(1);
- (b) a school that is provisionally accredited, or accredited, under the *Education (Accreditation of Non-State Schools) Act 2001*;
- (c) a TAFE institute under the *Vocational Education, Training and Employment Act 2000*;
- (d) a university.

**farmstay**, for accommodation, means accommodation at a farm for paying guests of the farm.’

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- (a) a public or private hospital; or
- (b) a nursing home or similar facility for sick or disabled persons needing full-time care; or
- (c) a clinic, day surgery or procedure unit where the effects of the predominant treatment administered involve patients becoming non-ambulatory and requiring supervised medical care on the premises for some time after the treatment.’