

Building and Other Legislation Amendment Bill 2006

Amendments agreed to during Consideration

1 **Clause 2 (Commencement)—**

At page 16, after line 8—

insert—

- part 3A
- part 3B, heading
- sections 95D to 95F’.

2 **Clause 5 (Replacement of pts 1 and 2)—**

At page 33, line 27, ‘an aspect of building work’—

omit, insert—

‘an aspect of, or matter related or incidental to, building work’.

3 **After clause 27—**

At page 118, after line 4—

insert—

‘27A **Amendment of s 16B (Constructing outdoor swimming pool)**

‘Section 16B(1)(c)—

omit, insert—

‘(c) the person—

- (i) is, or is to become, the pool owner of the pool (the **owner**); or
- (ii) has contracted with the owner to carry out the construction of the pool.’.

4 Clause 69 (Insertion of new ch 11, pt 5 and schedule 1)—

At page 131, after line 20—

*insert—***‘66AA Exclusion of reminder notice requirement for existing building development approvals**

‘Section 8I does not apply to a building development approval in force immediately before the commencement of this section.’.

5 Clause 69 (Insertion of new ch 11, pt 5 and schedule 1)—

Page 134, from line 9, and page 135, before line 1—

*omit, insert—***‘Schedule 1 The QDC as at the commencement of s 5H**

section 5H(1)

Part or aspect	Date published by department
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
11—Design and siting standard for single detached housing on lots under 450m ² , but only— (a) the words under the heading ‘application’; and (b) performance criteria 1, 2, 3 and 6; and (c) the relevant acceptable solutions for the performance criteria; and (d) definitions relevant to the provisions mentioned in paragraphs (a) to (c).	1 March 2006

Part or aspect	Date published by department
12—Design and siting standard for single detached housing on lots 450m ² and over, but only— (a) the words under the heading ‘application’; and (b) performance criteria 1, 2, 3 and 6; and (c) the relevant acceptable solutions for the performance criteria; and (d) definitions relevant to the provisions mentioned in paragraphs (a) to (c).	1 March 2006
14—Fire safety in budget accommodation buildings	22 August 2005
15—Higher risk personal appearance services	1 July 2004
20—Residential services building standard	23 August 2002
21—Pastoral Workers’ Accommodation	1 July 2003
22—Child care centres	23 November 2005
25—Rainwater tanks	2 August 2006
28—Tents	2 April 2004
29—Sustainable buildings	1 March 2006
31—Floating buildings	2 August 2006’.

6 Clause 70 (Amendment of schedule (Dictionary))—

At page 144, lines 14 to 16—

omit, insert—

‘QDC boundary clearance and site cover provisions means the aspects, mentioned in schedule 1, of parts 11 and 12 of the document called ‘Queensland Development Code’, published by the department.’.

7 Clause 70 (Amendment of schedule (Dictionary))—

At page 146, after line 9—

insert—

‘(4A) Schedule, definition *indoor swimming pool*, after ‘building’—

insert—

‘or a swimming pool on a deck or roof top of a building if the pool is, under the usual ways of entering or leaving the building, only accessible from the inside of the building’.

8 After clause 95—

At page 160, after line 23—

insert—

**‘Part 3A Amendment of Integrated
Planning and Other Legislation
Amendment Act 2006**

‘95A Act amended in pt 3A

‘This part amends the *Integrated Planning and Other Legislation Amendment Act 2006*.

‘95B Amendment of s 2 (Commencement)

‘(1) Section 2, before ‘Sections’—

insert—

‘(1) Section 75, as amended by the *Building and Other Legislation Amendment Act 2006*, is taken to have commenced on 30 March 2006.

‘(2) .’.

‘(2) Section 2, ‘, 75’—

omit.

‘95C Amendment of s 75 (Amendment of s 6.5.1 (When particular development approvals lapse))

‘Section 75(1), ‘June’—

omit, insert—

‘December’.

omit, insert—

‘subsection (1)(e)’.

‘(7) Section 492(4), as renumbered, ‘subsection (1)(e)’—

omit, insert—

‘subsection (1)(f)’.’.

‘95F Amendment of s 492A (Required procurement and asset disposal manuals)

‘Section 492A(3)(c), ‘section 492(4)’—

omit, insert—

‘section 492(2)’.

‘95G Amendment of s 1070 (Entry on land for local government purposes)

‘(1) Section 1070(2), example—

omit.

‘(2) Section 1070(2)(c)—

insert—

‘Examples of entry to land under paragraph (c)—

- 1 The employee or agent may enter the land to take urgent action, under a local law about the safety and convenience of the public, to remove a tree likely to fall and cause injury or damage.
- 2 The local government has received information that a swimming pool fence may be dangerous to children because it does not comply with the *Building Act 1975*. The employee or agent may enter the land on which the fence is constructed to assess whether the local government ought to take action under the *Building Act 1975* or this Act in relation to the fence.’.

9 After clause 96—

At page 160, after line 28—

insert—

‘96A Amendment of s 85 (Process for assessing plans)

‘Section 85(1), ‘sections 85A to 85E’—

omit, insert—

‘sections 85B to 85E’.

‘96B Omission of s 85A (Local government’s power to stop further greywater use facility requests for premises in a sewered area)

‘Section 85A—

omit.

‘96C Amendment of s 85B (Restrictions on giving compliance permit for greywater use facility in a sewered area)

‘Section 85B(2)(a)(iii)—

omit, insert—

‘(iii) is not part of a community titles scheme under the *Body Corporate and Community Management Act 1997*; and’.

10 After clause 99—

At page 161, after line 19—

insert—

‘99A Amendment of s 128M (Offences about discharging greywater other than kitchen greywater from premises)

‘(1) Section 128M(2) and (3), after ‘sewered area’—

insert—

‘and the premises is not a single detached dwelling’.

‘(2) Section 128M(2)(a)(i), ‘for area’s’—

omit, insert—

‘for the area’s’.

‘(3) Section 128M(2)(b) and (3)(b), after ‘lawn’—

insert—

‘on the premises’.

‘(4) Section 128M(4), ‘also’—

omit.

‘(5) Section 128M(4)(b), ‘any one’—

omit, insert—

‘anyone’.

‘(6) Section 128M—

insert—

‘(6) In this section—

single detached dwelling means a class 1a building under the Building Code of Australia.’.

11 Clause 100 (Insertion of new pt 10, div 4)

At page 161, line 23, ‘provision’—

omit, insert—

‘**provisions**’.

12 Clause 100 (Insertion of new pt 10, div 4)—

At page 162, line 6—

omit, insert—

‘composting, or incinerating toilet.

‘173 Provision about offences under s 128M

‘(1) A proceeding can not be started for an offence under pre-amended section 128M if the circumstances giving rise to the commission of the offence would not, if the circumstances happened after the commencement of this section, give rise to the commission of an offence under post-amended section 128M.

‘(2) In this section—

post-amended section 128M means section 128M as amended under the *Building and Other Legislation Amendment Act 2006*, section 99A.

pre-amended section 128M means section 128M as in force immediately before the *Building and Other Legislation Amendment Act 2006*, section 99A commences.’.