

Building and Other Legislation Amendment Bill (No. 2) 2010

Amendments agreed to during Consideration

1 Clause 12 (Amendment of s 231A (Definitions for ch 8))

Page 14, line 20, ‘(d) or (e)’—

omit, insert—

‘(b), (c), (d) or (e)’.

2 Clause 14 (Replacement of ch 8, pt 2)

Page 25, lines 14 and 15, ‘chief executive’—

omit, insert—

‘local government’.

3 Clause 14 (Replacement of ch 8, pt 2)

Page 25, lines 18 to 26—

omit, insert—

- ‘(2) The application must be accompanied by enough details to—
- (a) identify the part of the pool safety standard for which the owner is seeking the exemption; and
 - (b) show compliance with the part of the pool safety standard is not practicable.’.

4 Clause 14 (Replacement of ch 8, pt 2)

Page 26, lines 2 and 3, ‘chief executive may require the owner to give the chief executive’—

omit, insert—

‘local government may require the owner to give the local government’.

5 Clause 14 (Replacement of ch 8, pt 2)

Page 26, line 6, ‘chief executive’—

omit, insert—

‘local government’.

6 Clause 14 (Replacement of ch 8, pt 2)

Page 26, line 10, ‘chief executive’—

omit, insert—

‘local government’.

7 Clause 14 (Replacement of ch 8, pt 2)

Page 26, line 23, ‘chief executive’—

omit, insert—

‘local government’.

8 Clause 14 (Replacement of ch 8, pt 2)

Page 26, line 24, ‘chief executive’—

omit, insert—

‘local government’.

9 Clause 14 (Replacement of ch 8, pt 2)

Page 27, line 1, ‘chief executive’—

omit, insert—

‘local government’.

10 Clause 14 (Replacement of ch 8, pt 2)

Page 27, line 5, ‘chief executive’—

omit, insert—

‘local government’.

11 Clause 14 (Replacement of ch 8, pt 2)

Page 27, line 6, ‘chief executive’—

omit, insert—

‘local government’.

12 Clause 14 (Replacement of ch 8, pt 2)

Page 27, line 10, ‘chief executive’—

omit, insert—

‘local government’.

13 Clause 14 (Replacement of ch 8, pt 2)

Page 27, line 11, ‘chief executive’—

omit, insert—

‘local government’.

14 Clause 14 (Replacement of ch 8, pt 2)

Page 27, line 13, ‘chief executive’—

omit, insert—

‘local government’.

15 Clause 14 (Replacement of ch 8, pt 2)

Page 27, line 15, ‘chief executive’—

omit, insert—

‘local government’.

16 Clause 14 (Replacement of ch 8, pt 2)

Page 27, after line 17—

insert—

‘Note—

There is a right of appeal to a building and development dispute resolution committee against the decision on the application or the failure to decide the application. See the Planning Act, section 532.’.

17 Clause 14 (Replacement of ch 8, pt 2)

Page 27, line 18, ‘chief executive’—

omit, insert—

‘local government’.

18 Clause 14 (Replacement of ch 8, pt 2)

Page 28, line 2, ‘Chief executive’—

omit, insert—

‘Local government’.

19 Clause 14 (Replacement of ch 8, pt 2)

Page 28, line 4, ‘chief executive’—

omit, insert—

‘local government’.

20 Clause 14 (Replacement of ch 8, pt 2)

Page 28, line 6, ‘chief executive’—

omit, insert—

‘local government’.

21 Clause 14 (Replacement of ch 8, pt 2)

Page 28, line 13, ‘chief executive’—

omit, insert—

‘local government’.

22 Clause 14 (Replacement of ch 8, pt 2)

Page 28, lines 16 and 17, ‘under the show cause notice, the chief executive’—

omit, insert—

‘to it under the show cause notice, the local government’.

23 Clause 14 (Replacement of ch 8, pt 2)

Page 28, after line 27—

insert—

‘*Note—*

There is a right of appeal to a building and development dispute resolution committee against the decision to revoke the decision previously given. See the Planning Act, section 532.’.

24 Clause 14 (Replacement of ch 8, pt 2)

Page 29, lines 3 to 10—

omit, insert—

‘Subdivision 3 Miscellaneous

‘245F Notice of exemption or revocation to be given to chief executive

- ‘(1) The local government must give the chief executive notice of each exemption granted under this division.
- ‘(2) If the local government gives a person a revocation notice, the local government must give the chief executive notice of the revocation notice.
- ‘(3) A notice under subsection (1) or (2) must—

- (a) be given to the chief executive within 10 business days after the exemption is granted or revocation notice is given; and
- (b) state all of the following—
 - (i) the address, and real property description, of the land on which the regulated pool to which the exemption or revocation notice relates is situated;
 - (ii) for a notice about a revocation notice—the day the revocation notice was given.

'245FA Keeping copy of exemption

- '(1) The local government must keep a copy of each exemption it grants under this division.
- '(2) The local government must—
 - (a) keep the copy while the exemption is still in force and for at least 5 years after the exemption is no longer in force; and
 - (b) make the copy available for inspection and purchase as if it were a document that, under the Planning Act, chapter 9, part 6, the local government must make available for inspection and purchase.'

25 Clause 14 (Replacement of ch 8, pt 2)

Page 33, lines 13 and 14, from 'stop' to 'adult.'—

omit, insert—

'appropriately provide for the safety of young children in and around the pool.'

26 Clause 14 (Replacement of ch 8, pt 2)

Page 34, lines 8 and 9, from 'are appropriate' to 'adult.'—

omit, insert—

'appropriately provide for the safety of young children in and around the pool.'

27 Clause 14 (Replacement of ch 8, pt 2)

Page 34, lines 27 and 28, from ‘will’ to ‘adult.’—

omit, insert—

‘no longer appropriately provide for the safety of young children in and around the pool.’.

28 Clause 14 (Replacement of ch 8, pt 2)

Page 36, line 17, ‘A person’—

omit, insert—

‘(1) A person’.

29 Clause 14 (Replacement of ch 8, pt 2)

Page 36, line 18, after ‘must’—

insert—

‘, unless the person has a reasonable excuse.’.

30 Clause 14 (Replacement of ch 8, pt 2)

Page 36, after line 20—

insert—

‘(2) The owner of a regulated pool that is a shared pool must, unless the owner has a reasonable excuse, ensure that any gate or door giving access to the pool is kept securely closed at all times when the gate or door is not in use.

Maximum penalty—165 penalty units.

‘(3) The occupier of premises on which there is a regulated pool that is not a shared pool must, unless the occupier has a reasonable excuse, ensure that any gate or door giving access to the pool is kept securely closed at all times when the gate or door is not in use.

Maximum penalty—165 penalty units.’.

31 Clause 14 (Replacement of ch 8, pt 2)

Page 37, after line 10—

insert—

‘245UA Chief executive may give local government information about regulated pools

- ‘(1) This section applies if the chief executive reasonably suspects the fencing or other barriers for a regulated pool do not comply with the requirements of this Act for the fencing or barriers.
- ‘(2) The chief executive may, by notice given to the local government, inform the local government of the chief executive’s suspicions.
- ‘(3) The notice must include information about the location of the regulated pool.’.

32 Clause 16 (Insertion of new s 246ADA)

Page 39, line 27, ‘notice.’—

omit, insert—

‘notice; or

(c) a notice under section 245UA.’.

33 Clause 16 (Insertion of new s 246ADA)

Page 40, line 10, ‘subsection (2).’—

omit, insert—

‘subsection (2) relating to a notice mentioned in subsection (1)(a) or (b).’.

34 Clause 21 (Insertion of new ch 8, pt 4, divs 3–5)

Page 47, lines 15 to 27—

omit, insert—

‘246ATH Offences about displaying and giving copies of pool safety certificates for shared pools

- ‘(1) Subsection (2) applies to the owner of a relevant regulated pool for regulated premises if—
- (a) the pool is a shared pool; and
 - (b) a pool safety certificate is in effect for the pool.
- ‘(2) The owner must, as soon as practicable after the pool safety certificate is in effect for the pool and while it is in effect, ensure a copy of the certificate is conspicuously displayed as near as practicable to—
- (a) the main entrance of the regulated premises; or
 - (b) a gate or door giving access to the pool.
- Maximum penalty—165 penalty units.’.

35 Clause 21 (Insertion of new ch 8, pt 4, divs 3–5)

Page 50, line 15, ‘gain.’—

omit, insert—

‘gain.’

‘Subdivision 3 Miscellaneous

‘246ATM Prescribed notification requirements

- ‘(1) This section applies in relation to the proposed sale of regulated premises.
- ‘(2) A regulation may prescribe notification requirements for the owner of the premises to inform a prospective purchaser of the premises, before any contract for the sale of the premises is entered into, if there is no pool safety certificate in effect for a relevant regulated pool for the premises.
- ‘(3) The prescribed notification requirements may only require the owner to inform the purchaser—

- (a) that there is no pool safety certificate in effect for a relevant regulated pool for the premises; and
- (b) about matters relating to the purchaser's potential obligations under the Act if the premises are sold and there is no pool safety certificate in effect for the pool.'.'. .

36 After clause 22

Page 50, after line 21—

insert—

'22A Amendment of s 246BH (Who may apply)

Section 246BH, from 'An individual' to 'individual—'—

omit, insert—

- '(1) A building certifier may apply to PSC for a licence.
- '(2) An individual who is not a building certifier may apply to PSC for a licence only if the individual—'.

'22B Amendment of s 246BI (Requirements for application)

- (1) Section 246BI(1)(c)(iv), 'a copy'—

omit, insert—

'if the applicant is not a building certifier—a copy'.

- (2) Section 246BI(1)(c)(v), 'if'—

omit, insert—

'if the applicant is not a building certifier and'.'. .

37 Clause 25 (Amendment of s 246FD (Payments from fund))

Page 51, lines 29 and 30 and page 52, lines 1 to 3—

omit.

38 Clause 27 (Amendment of s 256 (Prosecution of offences))

Page 52, lines 27 and 28 and page 53, lines 1 to 7—

omit, insert—

‘(1) Section 256(2)(c), (d) and (e)—

renumber as section 256(2)(h), (i) and (j).

‘(2) Section 256(2)—

insert—

‘(c) for an offence against section 245G(1)—the chief executive, a local government or the chief executive (health); or

(d) for an offence against section 245K, 245L or 246AR(2)—the chief executive or a local government; or

(e) for an offence against section 246AD(2) or 246AJ(4)—PSC or a local government; or

(f) for an offence against section 246AP(2)—the chief executive, a local government or the general manager of BSA; or

(g) for an offence against chapter 8, part 4, division 5, subdivision 2, other than section 246ATH(2)—the chief executive, a local government or a person authorised by a local government; or’.

‘(3) Section 256(2)(i), as renumbered under this section, ‘part 6 or 7’—

omit, insert—

part 6, 7 or 8, or section 246FF(1) or 246FK(2)’.

39 Clause 32 (Amendment of sch 2 (Dictionary))

Page 61, line 22, before ‘*pool*’—

insert—

‘*indoor swimming pool*,’.

40 Clause 32 (Amendment of sch 2 (Dictionary))

Page 62, after line 19—

insert—

‘indoor swimming pool means—

- (a) a swimming pool completely enclosed by the walls of a building; or
- (b) 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.’.

© State of Queensland 2010