



Building Act 1975

Building Regulation 2006

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Reprint No. 5A

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This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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Queensland

Building Regulation 2006

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Building Regulation 2006

[as amended by all amendments that commenced on or before 6 May 2011]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Building Regulation 2006*.

2 Commencement

This regulation commences immediately after the *Building and Other Legislation Amendment Act 2006*, section 5, commences.

3 Definitions

The dictionary in schedule 4 defines particular words used in this regulation.

Part 2 Self-assessable building work and building work that is exempt development

4 Prescribed building work for Act, s 21

For section 21(2)(a) of the Act, the prescribed building work is building work that—

- (a) is prescribed under schedule 1; and

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- (b) is not exempt development for the Planning Act, under section 22 of the Act.

Note—

The prescribing of the building work does not automatically make it self-assessable building work. See the additional requirements under section 21(2)(b) (Building work that is self-assessable for the Planning Act) of the Act.

5 Building work that is exempt development for the Planning Act—Act, s 22

For section 22 of the Act, the prescribed building work is the building work prescribed under schedule 2.

Part 3 Prescribed matters or aspects for local laws or local planning instruments

6 Operation of pt 3

This part prescribes, for section 32 of the Act—

- (a) matters that a local planning instrument may designate for the BCA or QDC; and
- (b) aspects of, or matters related or incidental to, building work that a local government makes or amends in a local law, planning scheme or resolution.

Notes—

- 1 A provision of a local law, planning scheme or a resolution about a prescribed aspect is a *building assessment provision*. See section 30(1)(d) of the Act.
- 2 Under the Planning Act, section 724, the local government must make the maps provided for under this part and its register under section 13(3) available for public inspection and purchase.

7 Additional water saving targets

- (1) This section applies for work (*relevant work*) that—
 - (a) is the subject of building assessment work or self-assessable building work; and
 - (b) is for a class 1 building.
- (2) A provision of a local law or planning instrument or a local government resolution may impose a requirement (an *additional requirement*) for relevant work about the matters provided for under performance criteria 1 and 2 under QDC part 4.2.
- (3) However, an additional requirement may be imposed only if—
 - (a) it includes acceptable solutions that apply for the performance criteria; and
 - (b) the acceptable solutions are—
 - (i) a more effective measure for saving water than under QDC part 4.2; and
 - (ii) a qualitative statement or quantifiable standard.

Examples of requirements that may comply with subsection (3)—

- a dual reticulation requirement under which 2 separate water pipelines must supply the building, one of which delivers recycled water and the other delivers drinking water
 - a stormwater reuse requirement under which stormwater is required to be harvested and stored, above or below ground, for reuse
 - a communal rainwater tank requirement under which harvested rainwater must be stored in an above or below ground community storage tank for use by a community the area of which includes the building
- (4) If there are additional requirements for relevant work, the work must comply with QDC part 4.2 and the additional requirements.

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10 Planning scheme provisions about particular performance criteria under QDC part 1.1 or QDC part 1.2

- (1) This section applies for building work (*relevant work*) for a single detached class 1 building or a class 10 building or structure located on the same allotment as a single detached class 1 building.
- (2) A local government planning scheme—
 - (a) may provide that all or some of performance criteria 4, 5, 7, 8 or 9 under QDC part 1.1 or QDC part 1.2 and the relevant acceptable solutions under the part for the performance criteria apply for relevant work; or
 - (b) may, for relevant work, provide for qualitative statements for matters provided for under all or some of the performance criteria if the scheme also provides for quantifiable standards for the statements.

11 Swimming pool construction

- (1) A local law may require—
 - (a) the construction of fencing around swimming pools; or
 - (b) doors, windows and other openings giving access to swimming pools to comply with the local law.
- (2) However—
 - (a) the requirement can not allow the construction of fencing around outdoor swimming pools on residential land to a standard less effective than the standard under section 235 of the Act; and
 - (b) the local law has effect only if it can reasonably be characterised as being directed to inhibiting young children from accessing swimming pools.

12 Designation by local planning instrument of bush fire prone areas

- (1) A local government may, in a local planning instrument, designate all or part of its area as a designated bush fire prone area for the BCA or QDC.
- (2) On the making of the designation, the provisions of the BCA or QDC that apply to a designated bushfire prone area apply for any building assessment work that relates to the area.
- (3) The local government must, if it is practicable to do so, ensure its planning scheme maps show each of its designated bush fire prone areas.
- (4) If it is not practicable for the local government to show each of the areas in its planning scheme maps, it must—
 - (a) prepare maps showing the areas; and
 - (b) ensure the maps are updated from time to time to show its current designated bush fire prone areas.
- (5) The maps must state when each designation was made.

13 Land liable to flooding

- (1) A local government may, in a planning scheme or by a temporary local planning instrument under the Planning Act or a resolution—
 - (a) designate part of its area as a natural hazard management area (flood); and
 - (b) declare the level to which the floor levels of habitable rooms as defined under the BCA of buildings on the land must be built.
- (2) The local government must, in designating a natural hazard management area (flood), comply with ‘State Planning Policy 1/03 Mitigating the Adverse Impacts of Flood, Bushfire and Landslide’, adopted by the Minister on 19 May 2003.
- (3) The local government must keep a register of the natural hazard management areas (flood) it designates and when each designation was made.

Part 4 Swimming pool safety

Division 1 Swimming pool barriers and signs

13A Resuscitation sign requirements and display

- (1) A standard prescribed for section 231D(1)(b) of the Act for a regulated pool is the display of a resuscitation sign complying with the requirements for a resuscitation sign in subsection (2).
- (2) The sign must—
 - (a) be attached to the barrier for the pool, or displayed near the pool, so that the sign is conspicuous and easily visible to anyone near the pool; and
 - (b) be at least 300mm x 300mm in size; and
 - (c) be made of durable and weatherproof material; and
 - (d) include a statement that is prominent on the sign explaining to anyone reading the sign how to act in an emergency, including, for example, telephoning for an ambulance, staying with the injured person, calling for help and providing first aid; and

Example of what sign must state—

‘In an emergency phone 000 and ask for ambulance. Stay with injured person, call for help and resuscitate.’

- (e) for a pool constructed before 1 December 2009—at least show enough information about the procedures for providing first aid to enable anyone reading the sign to perform expired air resuscitation or cardiopulmonary resuscitation on an infant or young child; and
- (f) for a pool constructed on or after 1 December 2009—show information about the procedures for providing first aid, including performing cardiopulmonary resuscitation in the way stated in the document called ‘Guideline 7—cardiopulmonary

resuscitation' published by the Australian Resuscitation Council in February 2006.

Editor's note—

At the commencement of this section, the document could be inspected on the Australian Resuscitation Council's website at <www.resus.org.au>.

- (3) Each diagram or letter on the sign must be durable, legible and clearly visible.
- (4) In this section—

resuscitation sign means a sign showing procedures for providing first aid, including, for example, expired air resuscitation and external cardiac compression.

14 Warning sign requirements and display—Act, s 233

- (1) This section prescribes, for section 233(2) of the Act—
 - (a) the way a warning sign must be displayed on land before the construction of a regulated pool, other than a portable swimming pool, on the land; and
 - (b) the requirements for the sign.
- (2) The sign must—
 - (a) warn members of the public in the vicinity of the land that—
 - (i) a swimming pool is under construction on the land; and
 - (ii) there is a potential danger to young children accessing the land; and

Example of what sign must state—

'Danger. Swimming pool under construction. Keep children out.'

- (b) subject to subsection (4), be placed on, or within 1.5m of, the road frontage for the land; and
- (c) be mounted so that the bottom of the sign is at least 300mm above ground level; and

[s 15]

- (d) be positioned so that it is visible from the road; and
 - (e) be made of weatherproof material.
- (3) Any lettering on the sign that relates to the warning mentioned in subsection (2)(a) must be at least 50mm in height and in a bold style.
- (4) If the land has more than 1 road frontage, a sign need only be placed on 1 of the frontages.
- (5) The sign may include a reference to a matter other than the warning mentioned in subsection (2)(a).
- (6) In this section—
- road frontage***, for land, means—
- (a) if the only access to the land is across other land—the boundary between the other land and any road adjoining the other land at the point of access; or
 - (b) otherwise—the boundary between the land and any road adjoining the land.

Division 2 General provisions

15 Prescribed local governments—Act, s 246ACA

For section 246ACA of the Act, a prescribed local government is a local government mentioned in schedule 2A.

16 Prescribed notification requirements—Act, s 246ATM

- (1) This section prescribes for section 246ATM(2) of the Act a notification requirement for the owner of regulated premises.
- (2) The owner must give a prospective purchaser of the premises, before entering into any contract for the sale of the premises, a notice in the approved form.

Editor's note—

The approved form can be accessed, free of charge, on the department's website at <www.dip.qld.gov.au>.

Maximum penalty—20 penalty units.

16A Additional particulars for regulated pools register—Act, s 246AS

Each of the following matters is prescribed for section 246AS(3)(c) of the Act for a regulated pool—

- (a) whether an alternative solution under section 14(4)(b) of the Act to a performance requirement under the pool safety standard has been used for the barriers for the pool;
- (b) whether the chief executive has decided under section 41 of the Act to vary how a provision of the pool safety standard relating to the barriers for the pool applies to the pool, and the effect of the variation;
- (c) whether an exemption granted by a local government under section 240 of the Act is in force for the barriers for the pool;
- (d) whether, on appeal to a building and development dispute resolution committee, the committee has granted an exemption for the pool under previous section 240 of the Act;
- (e) if there is a building certificate that applies to the pool under section 246AN of the Act—
 - (i) the day the building certificate was given; and
 - (ii) the period for which the building certificate may be used instead of a pool safety certificate for the pool;
- (f) if a pool safety inspector has carried out minor repairs for the pool—
 - (i) a description of the minor repairs; and

[s 16B]

- (ii) whether the amount charged by the pool safety inspector is—
 - (A) \$500 or less; or
 - (B) more than \$500.

16B Prescribed professional indemnity insurance—Act, s 246AV

- (1) For section 246AV of the Act, the prescribed professional indemnity insurance for a pool safety inspector is professional indemnity insurance that provides for all of the following—
 - (a) a minimum limit of indemnity of a total of \$1m during any 1 period of insurance that may arise from the performance by the pool safety inspector of a pool safety inspection function;
 - (b) as well as the limit of indemnity mentioned in paragraph (a)—
 - (i) indemnity for costs and expenses incurred with the consent of the insurer for defending or settling a claim; and
 - (ii) no exclusion or special limitation for personal injury or property damage; and
 - (iii) no requirement for any particular disclaimer to be given by the pool safety inspector to the pool safety inspector's clients or customers before, during or after the performance of the pool safety inspection function;
 - (c) indemnity for breaches of professional duty as a pool safety inspector arising from an act, error or omission of the inspector after the day the inspector first became a pool safety inspector;
 - (d) at least 1 automatic reinstatement of indemnity;
 - (e) indemnity for negligent performance of a pool safety inspection function (other than for claims for fraudulent or illegal acts or omissions);

-
- (f) if the pool safety inspector performs a pool safety inspection function as an employee—indemnity to former principals, partners and directors of the employer of the pool safety inspector who were, but no longer are, pool safety inspectors.
- (2) For subsection (1), a pool safety inspector who is a member of a corporation, or an employee of an individual, a corporation or a public sector entity, has the prescribed professional indemnity insurance if the corporation, individual or entity has the professional indemnity insurance mentioned in subsection (1).
- (3) For subsection (1)(b), the indemnity may, for any 1 claim, be limited to 20% of the limit of indemnity the insurance provides under subsection (1)(a) for the claim.
- (4) Subsection (1) does not apply to a pool safety inspector employed as a pool safety inspector by any of the following if the pool safety inspector is performing a pool safety inspection function in the course of the pool safety inspector's employment—
- (a) a local government;
 - (b) the State;
 - (c) the Commonwealth.

16C Approved code of conduct for pool safety inspectors—Act, s 246BA

The code of conduct for pool safety inspectors called 'Code of conduct for swimming pool safety inspectors' made by the chief executive on 23 September 2010 is approved.

Editor's note—

Copies of the code of conduct for pool safety inspectors are available for inspection at the department's office at 63 George Street, Brisbane. The code is also available for inspection on the department's website at <www.dip.qld.gov.au>.

[s 16D]

16D Prescribed minor repairs—Act, s 246BE

For section 246BE(1) of the Act, the repairs and other works set out in schedule 2B are minor repairs.

Notes—

- 1 See also the *Queensland Building Services Authority Regulation 2003*, section 5(1)(b), that provides that particular works of a value of \$3300 or less is not building work for the *Queensland Building Services Authority Act 1991*, schedule 2, definition *building work*.
- 2 The electrical safety laws, including AS/NZ 3000 (Wiring Rules Standard), apply to fencing for a pool, support structures and other fixed conductive material near a pool. The standard also applies to fencing erected after a pool's electrical equipment and ancillary fittings are installed.

Division 3 Provisions about demerit points

Subdivision 1 General

16E Definitions for div 3

In this division—

accumulate see section 16F(4).

continuous 3-year period, in relation to the accumulation of demerit points, means a continuous period of 3 years or less.

demerit contravention, by a pool safety inspector, means a contravention, after the commencement of this definition, of a requirement imposed under a relevant provision.

demerit points means demerit points allocated by PSC under this division for a demerit contravention.

relevant provision means any of the following provisions of the Act—

- (a) section 246AA(2);
- (b) section 246AB(2);
- (c) section 246AC(2);

- (d) section 246AC(4);
- (e) section 246AD(2);
- (f) section 246AJ(4);
- (g) section 246AM(2);
- (h) section 246AV.

Subdivision 2 Calculation, allocation and accumulation of demerit points

16F Prescribed demerit points—Act, s 246CG(2)(d) and sch 2

- (1) For section 246CG(2)(d) of the Act, the prescribed number of demerit points is 16 demerit points in a continuous 3-year period.
- (2) For schedule 2, definition *ground for disciplinary action*, paragraph (f) of the Act, the prescribed number of demerit points is 16 demerit points in a continuous 3-year period.
- (3) For subsections (1) and (2), to work out the number of demerit points a pool safety inspector has accumulated in a continuous 3-year period, PSC may add up the demerit points accumulated by the inspector during the relevant continuous 3-year period.
- (4) A pool safety inspector *accumulates* a demerit point when the demerit point takes effect.

16G Allocation of demerit points for demerit contraventions

- (1) This section applies to a pool safety inspector who has committed a demerit contravention.
- (2) PSC may allocate 2 demerit points under this division to the pool safety inspector for the demerit contravention.
- (3) This section is subject to section 16J.

[s 16H]

16H When demerit points allocated for demerit offences

- (1) PSC must allocate demerit points to a pool safety inspector for a demerit contravention as soon as practicable after PSC becomes aware of the demerit contravention.
- (2) Demerit points for a demerit contravention take effect on the following day—
 - (a) for demerit points allocated for a demerit contravention other than a contravention of section 246AD(2) of the Act—the day after the last day on which the pool safety inspector was required to comply with the relevant provision;
 - (b) for demerit points allocated for a contravention of section 246AD(2) of the Act—the day on which PSC became aware of the demerit contravention.

16I PSC must notify pool safety inspector about allocation of demerit points

- (1) This section applies if PSC allocates demerit points to a pool safety inspector.
- (2) PSC must, as soon as practicable after the demerit points are allocated, give the pool safety inspector a notice stating the following—
 - (a) the demerit points allocated;
 - (b) the demerit contravention for which the demerit points have been allocated;
 - (c) the day the demerit points were allocated;
 - (d) the day the demerit points took effect;
 - (e) that the accumulation of 16 demerit points in a continuous 3-year period is a matter to be considered by PSC under section 246CG(2)(d) of the Act if PSC is considering whether the pool safety inspector is a suitable person to hold a licence;
 - (f) that the accumulation of 16 demerit points in a continuous 3-year period is a ground for disciplinary

action under the Act and is a matter to be considered by—

- (i) PSC, if PSC is deciding what, if any, disciplinary action to take under chapter 8, part 7, division 2 of the Act; or
 - (ii) the tribunal, if the tribunal is deciding what, if any, disciplinary action to take under chapter 8, part 7, division 3 of the Act.
- (3) The notice must include an information notice about the decision to allocate the demerit points.

16J Limit on demerit points from single audit or investigation

- (1) This section applies if a pool safety inspector commits a demerit contravention discovered by PSC as a result of a notice given to a pool safety inspector under section 246CP(1) of the Act.
- (2) Nothing in this section prevents other demerit points being allocated to the pool safety inspector for a demerit contravention discovered by PSC as a result of a later notice given under section 246CP(1) of the Act.
- (3) However, other demerit points must not be allocated for a demerit contravention discovered by PSC as a result of a later notice if the demerit contravention—
 - (a) was committed before the earlier notice; and
 - (b) was discovered as a result of the earlier notice and resulted in the allocation of demerit points.

16K Procedure if PSC decides pool safety inspector has accumulated 16 demerit points

- (1) This section applies if PSC decides that a pool safety inspector has accumulated 16 demerit points in a continuous 3-year period.
- (2) PSC must give the pool safety inspector a notice stating the following—

[s 16L]

- (a) the details of the demerit contraventions for which the demerit points have accumulated;
 - (b) the days the points were allocated;
 - (c) the days the points took effect;
 - (d) the effect of the inspector having accumulated 16 demerit points in a continuous 3-year period;
 - (e) that the pool safety inspector may, within a stated period, make written submissions about why the pool safety inspector has not accumulated 16 demerit points in the continuous 3-year period.
- (3) The stated period must end at least 28 days after the pool safety inspector is given the notice.
- (4) PSC must consider any submissions made by the pool safety inspector.

16L Ending procedure without further action

- (1) This section applies if, after considering any submissions made by the pool safety inspector in the stated period, PSC is satisfied the individual has not accumulated 16 demerit points in the continuous 3-year period.
- (2) PSC must, as soon as practicable, advise the pool safety inspector by notice that it does not intend to take any further action.

16M Notice of accumulation of 16 demerit points after submission period

- (1) This section applies if—
- (a) after considering any submissions made by the pool safety inspector, PSC still considers the inspector has accumulated 16 demerit points in a continuous 3-year period; or
 - (b) the pool safety inspector does not make any submissions.

-
- (2) PSC must, by notice given to the pool safety inspector, inform the inspector that—
 - (a) PSC still considers the inspector has accumulated 16 demerit points in a continuous 3-year period; and
 - (b) the accumulation of 16 demerit points in a continuous 3-year period is a matter to be considered by PSC under section 246CG(2)(d) of the Act if PSC is considering whether the pool safety inspector is a suitable person to hold a licence; and
 - (c) the accumulation of 16 demerit points in a continuous 3-year period is a ground for disciplinary action under the Act and is a matter to be considered by—
 - (i) PSC if PSC is deciding what, if any, disciplinary action to take under chapter 8, part 7, division 2 of the Act; or
 - (ii) the tribunal if the tribunal is deciding what, if any, disciplinary action to take under chapter 8, part 7, division 3 of the Act.
 - (3) The notice must include an information notice about the decision to allocate the demerit points.

Subdivision 3 Reviews of PSC's decisions

16N Reviews by tribunal of decisions under div 3

- (1) This section applies if a pool safety inspector is given an information notice about a decision of PSC under this division.
- (2) The pool safety inspector may apply, as provided under the QCAT Act, to the tribunal for a review of the decision.

[s 17]

Part 5 Competent persons

Division 1 General provisions about competent persons

17 Appointment and functions

- (1) Subject to section 18, a building certifier may decide an individual—
 - (a) is, or has from a particular day been, competent to perform functions that help (*design/specification help*) the certifier perform building certifying functions for building design or specification; or
 - (b) is, from the making of the decision, competent to perform functions that help (*inspection help*) the certifier perform building certifying functions for the inspection of assessable building work.
- (2) The decision may be that the individual may give the building certifier—
 - (a) design/specification help or inspection help generally; or
 - (b) help limited to a particular aspect of design/specification help or inspection help; or
 - (c) design/specification help or inspection help only for particular assessable building work.
- (3) An individual the subject of a decision under subsection (1) is a *competent person*.
- (4) A competent person decided under subsection (1)(a) is a *competent person (design/specification)*.
- (5) A competent person decided under subsection (1)(b) is a *competent person (inspections)*.

-
- (6) A person may be decided to be a competent person (design/specification) and a competent person (inspections) at the same time or for the same matter.

18 Restrictions on deciding competency

- (1) A building certifier may decide an individual is a competent person to give design/specification help or inspection help only under subsections (2) to (4).
- (2) If, under a relevant law, the individual must be licensed or registered to be able to give the help—
- (a) the individual must be so licensed or registered; and

Example—

The help the subject of the decision is considering whether the design of a building is structurally adequate. The registration required is registration under the *Professional Engineers Act 2002* as a civil engineer for structural matters.

- (b) the building certifier must assess the individual to be competent to be able to give the help, having regard to the individual's experience, qualifications and skills for the matter.
- (3) If no relevant law requires the individual to be licensed or registered to be able to give the help, the building certifier must assess the individual as having appropriate experience, qualifications or skills to be able to give the help.

Example—

The help the subject of the decision is assessing whether a building complies with the performance requirements for energy efficiency under the BCA, part 3.12. An individual with the skills to carry out appropriate computer modelling for the assessment has appropriate skills to give the help.

- (4) If the chief executive approves guidelines for making an assessment under this section, the assessment must comply with the guidelines.
- (5) In this section—

[s 19]

relevant law means a law applying in the State that is relevant to practising in the matter the subject of the help.

19 Building certifier's obligation to keep record of decision about competency

If, under this part, a building certifier decides an individual is a competent person, the certifier must, for at least 5 years after the day the decision was made (the *decision day*), keep a record stating each of the following—

- (a) the person;
- (b) the matters for which the person was decided to be a competent person;
- (c) the decision day;
- (d) if, under section 17(1)(a), the individual was decided to be a competent person (design/specification) from a particular day (the *competency day*) that was before the decision day—the competency day;
- (e) details of the documents or information relied on by the certifier to make the decision;
- (f) the certifier's reasons for the decision.

Maximum penalty—20 penalty units.

Division 2 Restrictions on functions competent persons may perform

20 General restrictions

- (1) Only a competent person (design/specification) may give design/specification help.
- (2) Only a competent person (inspections) may give inspection help.

21 Restriction on signing inspection certificate for single detached class 1a or a class 10 building

- (1) This section applies for assessable building work for a single detached class 1a building or a class 10 building or structure.
- (2) Unless a competent person is a building certifier, the person can not sign a certificate of inspection for—
 - (a) the stage of the work that is after excavation of foundation material and before any footings for the building or structure are laid; or
 - (b) the final stage of the work.
- (3) Subsection (2) does not stop a competent person (inspections) who is not a building certifier from giving other inspection help for a stage mentioned in subsection (2) if the building certifier has, under section 17, decided the person can give the help.

22 Restrictions on giving inspection help

- (1) This section applies to assessable building work for a building of any class.
- (2) A competent person can only give inspection help if the building certifier has already decided the person is a competent person (inspections) for the work.
- (3) A competent person (inspections) can not sign a certificate of inspection for a stage of the building work if the person—
 - (a) is the builder for the work; or
 - (b) has carried out building work for any aspect of the stage.
- (4) Subsection (3) does not stop the person giving a certificate under part 7 for the work if, under that part, the person can give the certificate.

23 Competent person must not give false or misleading documents

A competent person must not, in giving design/specification

[s 23A]

help or inspection help, give the building certifier a certificate or other document containing information the person knows is false or misleading in a material particular.

Maximum penalty—20 penalty units.

Part 5A Cadet building certifiers

23A Appointment of cadet building certifier

- (1) A person may be appointed as a cadet building certifier to assist a building certifier (the *supervising certifier*) in the performance of building certifying functions, if—
 - (a) the person has been employed by a local government or private certifier for at least 3 months assisting in the performance of building certifying functions under the direct supervision of a building certifier; and
 - (b) the period of employment mentioned in paragraph (a) was completed not more than 6 months before the appointment; and
 - (c) the person is undertaking a course of study that, if successfully completed, meets the educational standard required for accreditation by an accreditation standards body.
- (2) In this section—

direct supervision, of a cadet building certifier by a supervising certifier, means that the supervising certifier gives or has given the cadet building certifier technical direction about assisting in the performance of a building certifying function before or during the giving of the assistance, or as soon as reasonably practicable after it has been given.

23B Role of cadet building certifier and supervising certifier

- (1) A cadet building certifier may assist a supervising certifier in

the performance of building certifying functions only if the functions are permitted under the level of licence held by the supervising certifier.

- (2) If a cadet building certifier assists a supervising certifier in the performance of a function, the supervising certifier is the person responsible for the function.
- (3) In deciding whether to allow a cadet building certifier to assist in the performance of a function, a supervising certifier must have regard to the cadet building certifier's level of ability, experience, qualifications and skills.

23C Application of pt 5 to cadet building certifier

- (1) A building certifier may, under part 5, decide a cadet building certifier is a competent person to give design/specification help or inspection help.
- (2) However, a building certifier can not decide a cadet building certifier is a competent person if the building certifier is—
 - (a) the cadet building certifier's supervising certifier; or
 - (b) the cadet building certifier's employer; or
 - (c) employed by the same employer as the cadet building certifier.
- (3) To remove any doubt, it is declared that the appointment of a person as a cadet building certifier does not, of itself, mean the person appointed is competent to give design/specification help or inspection help under part 5.

[s 24]

Part 6 Inspections of assessable building work

Division 1 Inspections by or for building certifier

Subdivision 1 Preliminary

24 What is a *stage of assessable building work*

- (1) This section provides for what are the stages of assessable building work.
- (2) Generally, the stages are all stages at which the building development approval states the work must be inspected.
- (3) If the work is the construction of a single detached class 1a building, the stages also include—
 - (a) after excavation of foundation material and before the footings for the building are laid; and
 - (b) if the building is to have a slab—after the placement of formwork and steel for the slab but before the concrete for the slab is poured; and
 - (c) to the extent the bracing for the frame of the building consists of cladding or lining—after the cladding or lining has been fixed to the frame; and
 - (d) to the extent the bracing for the frame of the building does not consist of cladding or lining—before the cladding or lining is fixed to the frame; and
 - (e) if reinforced masonry construction is used for the frame of the building—before the wall cavities are filled; and
 - (f) at the completion of all aspects of the work.
- (4) If the work is an alteration to a single detached class 1a building, the stages also include each stage mentioned in subsection (3) that is relevant to the alteration.

-
- (5) If the work is the construction of, or an alteration to, a class 10 building or structure, other than a swimming pool, the stages also include at the completion of the building or structure or the alteration.
 - (6) If the work is the construction of, or an alteration to, a swimming pool, the stages also include—
 - (a) if a temporary fence for the pool is constructed—
 - (i) after the temporary fence for the pool is constructed and before the pool is filled with water to a depth of 300mm or more; and
 - (ii) if the building certifier for the work extends the period that the temporary fence for the pool can be in place—before the extension is given; and
 - (b) at the completion of the pool and its fencing and, if no temporary fence for the pool was constructed, before the pool is filled with water to a depth of 300mm or more.

25 Local government's power to exempt particular assessable building work from particular stages of inspection

- (1) A local government may, by resolution, declare localities and forms of buildings or structures in its area exempt from inspection at a stage of assessable building work if the work—
 - (a) is, or is an alteration to, a single detached class 1a building or a class 10 building or structure; and
 - (b) is not for a swimming pool or fencing around it.
- (2) However, the resolution may be made only if the local government is satisfied the absence of a notice for inspection for the stage will not adversely affect public safety.

26 Inspection guidelines

- (1) This section applies if, under section 258 of the Act, the chief executive makes guidelines (*inspection guidelines*) about—

[s 27]

- (a) what aspects or items make up the completion of assessable building work or a particular stage of assessable building work; and
 - (b) ways of inspecting building work.
- (2) For section 24, the guidelines are evidence of what aspects or items make up the completion of assessable building work or particular stages of assessable building work.
 - (3) A person inspecting and certifying aspects of assessable building work is taken to have complied with this part if the person inspects and certifies the work as required under the inspection guidelines.

Subdivision 2 Notice for inspection

27 Builder's obligation to give notice for inspection at completion of each stage

- (1) This section applies to a builder for assessable building work if it has been carried out to the completion of a stage of the work, other than a stage exempted under section 25.
- (2) The builder must ensure the building certifier is given a notice (a *notice for inspection*) claiming the stage has been completed.

Maximum penalty—20 penalty units.

- (3) The notice for inspection may be written or verbal.
- (4) If the building certifier is a local government building certifier, the notice for inspection may be given to the certifier by giving it in writing to the local government.

28 Prohibition on further building work until stage complies

- (1) This section applies if a builder for assessable building work has given a notice for inspection for a stage of the work (the *relevant stage*).
- (2) The builder must not start the next stage of the work until the

builder has been given a certificate of inspection for the relevant stage stating that stage complies with the building development approval.

Maximum penalty—20 penalty units.

29 Notifying BSA if notice for inspection not given

If—

- (a) the builder for assessable building work is a licensed builder; and
- (b) the builder does not give a notice for inspection for a stage of the work, as required under section 27;

the building certifier must, as soon as practicable after becoming aware of the failure to give the notice for inspection, give BSA a notice stating that fact.

Subdivision 3 Carrying out inspection

30 Arranging inspection

- (1) This section applies if the building certifier for assessable building work (the *relevant certifier*) receives a notice for inspection for a stage of the work.
- (2) The relevant certifier must ensure the stage is, at a time agreed by the builder for the work, inspected by one of the following persons (the *inspecting person*)—
 - (a) generally—the relevant certifier or another building certifier;
 - (b) if section 21 does not prevent a competent person from giving a certificate of inspection for the stage—a competent person (inspections) whom the relevant certifier has decided may carry out the inspection.

Maximum penalty—20 penalty units.

[s 31]

- (3) For subsection (2), the inspecting person must not unreasonably refuse to agree to a time to inspect the stage.

31 Inspection procedure

- (1) This section applies if, under section 30, the inspecting person inspects a stage of assessable building work.
- (2) The inspecting person must inspect the work to ensure the person is satisfied all relevant aspects of the stage under the building development approval have been completed and comply with the approval.
- (3) The inspection must be carried out under best industry practice.

32 Certificate of inspection

- (1) This section applies only if the inspecting person—
- (a) has complied with section 31 for a stage of assessable building work; and
- (b) is satisfied as mentioned in section 31(2) in relation to the stage.
- (2) The inspecting person must give the builder for the work a certificate of inspection for the stage.

Notes—

- 1 If the stage is the final stage, 2 certificates must be given—the certificate of inspection for the final stage and, if particular requirements under the Act are complied with, a final inspection certificate to the owner of the building.
- 2 For final inspection certificates and the giving of inspection documentation see chapter 5, part 1 and section 124 of the Act.
- (3) The certificate of inspection must—
- (a) be in the approved form; and
- (b) be signed by the inspecting person; and
- (c) state in detail—
- (i) the basis for giving the certificate; and

- (ii) the extent to which the inspecting person has, in carrying out the inspection, relied on tests, specifications, rules, standards, codes of practice or other publications.

33 Noncompliance notice

- (1) This section applies if the inspecting person—
 - (a) has complied with section 31 for a stage of assessable building work; and
 - (b) is not satisfied as mentioned in section 31(2) in relation to the stage.
- (2) The inspecting person must give the builder for the work a notice (a *noncompliance notice*) stating—
 - (a) the stage does not comply with the building development approval; and
 - (b) how it does not comply with the approval.
- (3) If the inspecting person is a competent person (inspections), the person must also give the building certifier a copy of the the noncompliance notice.

Subdivision 4 Procedure if noncompliance notice given

34 Builder's obligation to ensure stage complies with development approval

If a builder for assessable building work is given a noncompliance notice—

- (a) the builder must perform the work required to ensure the stage the subject of the notice complies with the building development approval; and

[s 35]

- (b) after paragraph (a) has been complied with, the builder must, under section 27, give the building certifier another notice for inspection for the work.

Note—

For the relevant appeal right, see the Planning Act, section 532.

35 Consequences of builder not complying with obligation

- (1) If a builder for assessable building work does not comply with section 34, the building certifier must, under chapter 9 of the Act, take enforcement action against the builder for the work.
- (2) However, if the noncompliance notice was given by a competent person (inspections), the building certifier need only take the enforcement action if the certifier agrees the stage the subject of the notice does not comply with the building development approval.
- (3) If, under subsection (2), the building certifier decides not to take the enforcement action, the certifier must give—
 - (a) the competent person written reasons for not taking the action; and
 - (b) the builder a certificate of inspection for the stage.
- (4) If the building certifier gives the builder an enforcement notice and the builder does not comply with it, the certifier must notify the following of that fact—
 - (a) the BSA;
 - (b) if the assessment manager was a private certifier (class A)—the local government.

Subdivision 4A Additional inspections for chapter 8 pools and their fencing in particular circumstances

35A Application of sdiv 4A

- (1) This subdivision applies if—
 - (a) a building development approval is given on or after 1 December 2009 for building work that is the construction of, or alteration to, a chapter 8 pool or its fencing (the *pool work*); and
 - (b) the relevant entity for the pool work is not given a notice for inspection for the final stage of the pool work—
 - (i) for a building development approval that is only for the pool work—by the earlier of the following days (the *inspection day*)—
 - (A) the day that is 6 months after the building development approval is given;
 - (B) the day that is 2 weeks before the building development approval lapses; or
 - (ii) for a building development approval that includes work that is the construction of, or alteration to, a class 1 building or class 2 building—by the earlier of the following days (also the *inspection day*)—
 - (A) the day that is 2 years after the building development approval is given;
 - (B) the day that is 2 weeks before the building development approval lapses.
- (2) In this section—

relevant entity, for the pool work, means—

 - (a) generally—the building certifier for the pool work; or
 - (b) if the building certifier for the pool work is a local government building certifier—the local government.

[s 35B]

35B Inspection procedure and process after inspection

- (1) The building certifier for the pool work must, unless the building certifier has a reasonable excuse, inspect, or ensure another building certifier inspects, the pool work as soon as practicable after the inspection day and before the building development approval lapses.

Example of a reasonable excuse—

the building certifier is refused access to the premises on which the pool work is being carried out

Maximum penalty—50 penalty units.

- (2) The building certifier who inspects the stage is called the ***inspecting certifier***.
- (3) The inspection must be carried out under best industry practice.
- (4) The building certifier must, for at least 3 years after the inspection is carried out, keep a record of the inspection, including details of the time the inspection was carried out and the results of the inspection.
- (5) If the pool work has not started, the inspecting certifier need not take any further action in relation to the inspection.

Note—

If the builder later carries out the pool work, the builder for the work must take action under section 27 for each stage of the pool work.

- (6) If the inspecting certifier is satisfied all relevant aspects of the final stage of the pool work under the building development approval have been completed and comply with the approval, the inspecting certifier must give the builder for the work a certificate of inspection for the stage.
- (7) If a stage of the pool work has been completed and the inspecting certifier is not satisfied the stage complies with the building development approval, the inspecting certifier must give the builder for the work a noncompliance notice for the stage.
- (8) If the occupier of the premises on the relevant land or the builder for the pool work refuses to allow the inspecting

certifier to enter the relevant land to carry out the inspection, the building certifier must, within 2 business days after the refusal, give the local government notice of the refusal.

- (9) This section is subject to section 35C.
- (10) In this section—

relevant land means the land on which the chapter 8 pool or its fencing is, or is intended to be, constructed.

35C Delaying inspection in particular circumstances

- (1) The builder for the pool work may, before the inspection day, give the building certifier for the pool work a notice asking the building certifier to inspect the pool work on a day that is later than the inspection day (the *later day*).
- (2) The later day must be before the building development approval lapses.
- (3) If the building certifier is a local government building certifier, a notice under subsection (1) may be given to the building certifier by giving it to the local government.
- (4) Subsections (5) and (6) apply despite section 35B(1).
- (5) If the building certifier receives a notice under subsection (1), the pool work need not be inspected before the later day.
- (6) The building certifier must, unless the building certifier has a reasonable excuse, inspect, or ensure another building certifier inspects, the pool work before the building development approval lapses.

Maximum penalty—50 penalty units.

- (7) Section 35B(2) to (8) and (10) apply in relation to an inspection mentioned in subsection (6).

[s 36]

Subdivision 5 Miscellaneous provision

36 Declaratory provision about inspections

- (1) To remove any doubt, it is declared that the giving of a notice under this division about a stage of assessable building work does not, of itself, prevent any of the following from inspecting any aspect of another stage of the work—
 - (a) the building certifier for the work (the *relevant certifier*);
 - (b) another building certifier;
 - (c) a competent person (inspections) whom the relevant certifier has decided may carry out the inspection.
- (2) Subsection (1) applies whether or not a notice for inspection has been given for the other stage.

Division 2 Referral agency Inspections

37 Application of div 2

This division applies if—

- (a) an entity was, for a building development application, a referral agency for aspects of the building work (the *referral agency aspects*); and
- (b) the building development approval applied for is granted; and
- (c) a condition of the approval requires the builder for the work to give the agency a notice to inspect it to check the referral agency aspects comply with the approval.

Note—

For the condition allowing QFRS to inspect and test special fire service installation, see section 74 of the Act.

38 Notice to referral agency to inspect

- (1) This section does not apply if the condition is imposed under section 74 of the Act.
- (2) The builder must—
 - (a) give the referral agency a notice to inspect the building work when, under the building development approval, the referral agency aspects are at a stage at which they must be inspected by the agency; and
 - (b) give a copy of the notice to the building certifier when it is given to the referral agency.

39 Referral agency inspection

- (1) This section applies if the referral agency receives—
 - (a) a notice to inspect under section 38; or
 - (b) a notice to inspect the installation of, or test, a special fire service under section 74 of the Act.
- (2) The agency may inspect the building work or inspect or test the service to check the referral agency aspects comply with the building development approval.
- (3) The agency must—
 - (a) within 5 business days after receiving a notice under subsection (1), give the builder and the building certifier a notice stating it does not propose to inspect the building work or inspect or test the service; or
 - (b) within 15 business days after receiving a notice under subsection (1), inspect the work or inspect or test the service, and give the builder and the building certifier a notice stating—
 - (i) the referral agency aspects comply with the building development approval; or
 - (ii) the referral agency aspects do not comply with the approval, and the reasons why they do not.

[s 40]

- (4) If the building certifier is a local government building certifier, a notice under subsection (3) may be given to the certifier by giving it in writing to the local government.

40 Acting on referral agency's inspection notice

- (1) The building certifier must, in performing functions under the Act for the building work, accept and act on a notice given under section 39(3)(b).
- (2) However, subsection (1) does not apply if, within 5 business days after the building certifier receives the notice, the certifier—
- (a) decides to disagree with the decision the subject of the notice; and
 - (b) gives the referral agency an information notice about the decision.

Note—

For the relevant appeal right, see the Planning Act, section 532.

41 Consequence of no referral agency notice

If the referral agency does not comply with section 39(3) within the following period, the referral agency aspects are taken to comply with the building development approval—

- (a) 15 business days after the agency receives the notice to inspect;
- (b) any longer period agreed to between the agency and the building certifier within the 15 business days.

Part 7 General provisions about certificates

Division 1 QBSA licensee certificates

42 Application of div 1

- (1) This division applies if—
- (a) building work is for a single detached class 1a building or a class 10 building or structure; and
 - (b) work (the *aspect work*) is carried out for an aspect of the building work; and

Example of aspect work—

waterproofing

- (c) either—
 - (i) the aspect work is carried out by a person (the *QBSA licensee*) who, when it was carried out, held a licence of an appropriate class under the QBSA Regulation for the aspect work; or

Example of a licence of an appropriate class—

for waterproofing—a waterproofing licence

- (ii) under the QBSA Regulation, a person (also the *QBSA licensee*) other than the person mentioned in subparagraph (i) may give a QBSA licensee certificate for the aspect work.
- (2) However this division does not apply if, when the aspect work was carried out—
- (a) there was more than 1 class of licence under the QBSA Regulation under which the aspect work may be carried out; and
 - (b) under the QBSA Regulation, schedule 2, only a licence (a *certification licence*) of 1 or some of the classes

[s 43]

allows the QBSA licensee to give a QBSA licensee certificate for the aspect work; and

- (c) the QBSA licensee does not hold a certification licence for the work.

- (3) In this section—

QBSA Regulation means the *Queensland Building Services Authority Regulation 2003*.

waterproofing means work mentioned in the QBSA Regulation, schedule 2, part 56, section 2.

waterproofing licence a licence under the QBSA Regulation, schedule 2, part 56.

43 QBSA licensee certificate if building development approval

If the building work is subject to a building development approval, the QBSA licensee may give the building certifier a certificate in the approved form that the aspect work complies with the approval.

Note—

For when a building certifier or competent person may accept and rely on the certificate, see sections 49 and 50.

44 QBSA licensee certificate for self-assessable building work

- (1) This section applies if the building work—
 - (a) is building work prescribed under schedule 1; and
 - (b) is not subject to a building development approval.
- (2) The QBSA licensee may give the builder for the building work or the owner of the building a certificate in the approved form that the aspect work complies under section 21(1)(b) of the Act.
- (3) A certificate under subsection (2) is evidence that the building work is self-assessable building work.

45 QBSA licensee must not give false or misleading certificate

The QBSA licensee must not give a QBSA licensee certificate that the licensee knows is false or misleading in a material particular.

Maximum penalty—20 penalty units.

Division 2 Competent person certificates other than certificates of inspection

46 Certificate about building design or specification

- (1) A competent person (design/specification) may give the building certifier a certificate that a building design or specification will, if installed or carried out under the certificate, comply with the building assessment provisions.
- (2) The certificate must comply with section 48.

47 Aspect inspection certificate

- (1) A competent person (inspections) for assessable building work may give the building certifier a certificate that a stated aspect of the work complies with the building development approval.
- (2) The certificate must comply with section 48.

48 Content requirements for certificates

A certificate by a competent person must—

- (a) be in the approved form; and
- (b) be signed by the competent person; and
- (c) state in detail—
 - (i) the basis for giving the certificate; and

[s 49]

- (ii) the extent to which the person has relied on tests, specifications, rules, standards, codes of practice or other publications.

Division 3 Accepting certificates

49 Optional acceptability by building certifier

- (1) A building certifier may, in performing functions under the Act for a building development application or assessable building work, accept and, without further checking, rely on a certificate from a competent person if—
 - (a) the certifier has, under part 5, decided the person is a competent person of a type relevant to the functions; and
 - (b) if the person was decided to be a competent person only for a particular aspect of the decided type—the certificate relates to the aspect; and
 - (c) if the person was decided to be a competent person only for particular assessable building work—the certificate relates to the building work; and
 - (d) the person was, under part 5 and this part, permitted to give the certificate; and
 - (e) the certificate complies with section 48.
- (2) A building certifier may, in performing functions under the Act for assessable building work, accept and, without further checking, rely on a QBSA licensee certificate given under section 43 if the certificate relates to the work.

50 Optional acceptability by competent person (inspections)

- (1) This section applies to a competent person (inspections) who is giving a building certifier inspection help for assessable building work.

-
- (2) The competent person may accept and, without further checking, rely on a certificate from another competent person if—
 - (a) the building certifier has, under part 5, decided the other competent person is a competent person of a type relevant to the inspection help; and
 - (b) if the other competent person was decided to be a competent person only for a particular aspect of the decided type—the certificate relates to the aspect; and
 - (c) if the other competent person was decided to be a competent person only for particular assessable building work—the certificate relates to the building work; and
 - (d) the person was, under part 5 and this part, permitted to give the certificate; and
 - (e) the certificate complies with section 48.
 - (3) The competent person may accept and, without further checking, rely on a QBSA licensee certificate given under section 43 if the certificate relates to the work.

Division 4 Certificates under CodeMark Scheme

51 Certificate of conformity

- (1) If there is a current recognised certificate about a building element, the element is, to the extent stated in the certificate, taken to comply with the BCA.

- (2) In this section—

building element means the properties and performance of a material, system, method of building or other thing relating to building work.

recognised certificate means a certificate of conformity issued by the Australian Building Codes Board or under the

[s 51BE]

scheme known as the CodeMark Scheme administered by the Australian Building Codes Board.

Part 8 Miscellaneous provisions

Division 1 Approvals and miscellaneous prescribed matters

51BE Approval of amendment of QDC by replacing part MP4.1

- (1) The amendment of the QDC by replacing part MP4.1 published by the chief executive on 12 November 2010 is approved under section 13(3) of the Act.
- (2) The approval takes effect on 26 November 2010.

51BF Approval of amendment of QDC by adding part MP4.4

- (1) The amendment of the QDC by adding part MP4.4 published by the chief executive on 10 August 2010 is approved under section 13(3) of the Act.
- (2) The approval takes effect on 1 September 2010.

51BK Approval of amendment of QDC by adding part MP3.3

- (1) The amendment of the QDC by adding part MP3.3 published by the chief executive on 2 June 2010 is approved under section 13(3) of the Act.
- (2) The approval takes effect on 1 July 2010.

51BL Approval of amendment of QDC by replacing part MP3.4

- (1) The amendment of the QDC by replacing part MP3.4 published by the chief executive on 21 October 2010 is approved under section 13(3) of the Act.
- (2) The approval takes effect on 5 November 2010.

51C Prescribed day for expiry of existing rainwater tank provisions—Act, s 283

- (1) The following days are prescribed for section 283(3)(a) of the Act—
 - (a) for a rainwater tank provision made by any of the prescribed local governments—1 January 2007;
 - (b) for a rainwater tank provision made by another local government—1 July 2007.
- (2) In this section—

prescribed local governments means—

- (a) the councils of the cities of Brisbane, Caloundra, Gold Coast, Ipswich, Logan, Maryborough, Redcliffe and Toowoomba; and
- (b) the councils of the shires of Beaudesert, Boonah, Caboolture, Cooloola, Crow's Nest, Esk, Gatton, Jondaryan, Kilcoy, Laidley, Maroochy, Nanango, Noosa, Pine Rivers, Redland and Rosalie.

rainwater tank provision means a rainwater tank provision under section 283 of the Act.

52 Prescribed matters for private certification endorsement—Act, s 163

- (1) For section 163(1)(a) of the Act, the insurance prescribed for private certification is professional indemnity insurance that provides for all of the following—
 - (a) a minimum limit of indemnity of \$1m for any 1 claim and a total during any 1 period of insurance that may

[s 52A]

- arise from the performance of private certifying functions;
- (b) as well as the limit of indemnity mentioned in paragraph (a)—indemnity for costs and expenses incurred with the consent of the insurer of defending or settling a claim;
 - (c) indemnity for breaches of professional duty as a private certifier arising from an act, error or omission of the private certifier after the day the certifier first became a private certifier;
 - (d) at least 1 automatic reinstatement of indemnity;
 - (e) indemnity for negligent performance of a building certifying function (other than for claims for fraudulent or illegal acts or omissions);
 - (f) if the private certifying functions are performed as an employee—indemnity to former principals, partners and directors of the employer who were, but no longer are, private certifiers.
- (2) For subsection (1), a private certifier who is a member of a corporation, or an employee of an individual, corporation or public sector entity, has the required insurance if the corporation, individual or entity has the professional indemnity insurance mentioned in subsection (1).
 - (3) For subsection (1)(b), the indemnity may, for any 1 claim, be limited to 20% of the limit of indemnity the insurance provides under subsection (1)(a) for the claim.
 - (4) For section 163(2) of the Act, the prescribed course is the course called 'Issuing development permits for building work', conducted by Mackee and Associates Pty Ltd, trading as AssentTECHS.

52A Prescribed accreditation standards body—Act, s 184(1)(b)

For section 184(1)(b) of the Act, the Royal Institution of Chartered Surveyors is prescribed as an accreditation standards body.

53 Information to be supplied by the State—Act, s 255

- (1) The information prescribed for section 255 of the Act is—
 - (a) a 1:100 scale drawing of the building or structure showing floor plans and elevations; and
 - (b) a site plan of a scale enabling the local government to provide water supply, sewerage and stormwater drainage for the land on which the building work is to be carried out.
- (2) However, if the Minister responsible for the building work to which this section applies considers the giving of the information mentioned in subsection (1)(a) is not in the public interest, subsection (1)(a) does not apply.

Division 2 Fees

54 Fees

- (1) The fees payable under the Act are in schedule 3.
- (2) The fee (the *fast-track fee*) accompanying a request, under section 39 of the Act, to fast-track a decision for a variation application is in addition to the fee payable for the application.
- (3) If the chief executive refuses a request to fast-track the decision, the chief executive must refund the fast-track fee to the applicant.

Division 2A Displaying code checklist

54A Definitions for div 2A

In this division—

code checklist means the code checklist under section 54B.

[s 54B]

temporary accommodation building means a temporary building or structure containing an area used, or intended to be used, for sleeping.

54B Form and content of code checklist

- (1) The code checklist must be in the approved form.
- (2) The approved form may only make provision for indicating whether the acceptable solutions for temporary accommodation buildings, under the QDC part MP3.3., have been complied with in relation to temporary accommodation buildings to which section 54C applies.

54C Display of code checklist for particular temporary accommodation buildings

- (1) This section applies to a temporary accommodation building that—
 - (a) is located at a site for more than 42 consecutive days; and
 - (b) is occupied, or available for occupation, by a person—
 - (i) under an agreement relating to the person's employment; or
 - (ii) in return for the payment of rent.
- (2) The prescribed person for the temporary accommodation building must ensure a copy of the code checklist is—
 - (a) completed for the temporary accommodation building; and
 - (b) clearly displayed on or near the temporary accommodation building.

Maximum penalty—20 penalty units.

- (3) In this section—

prescribed person, for a temporary accommodation building, means the person who allows occupation of the building—

-
- (a) under an agreement relating to a person's employment;
or
 - (b) in return for the payment of rent.

Division 3 Transitional provisions

55 Definition for div 3

In this division—

repealed regulation means the repealed *Standard Building Regulation 1993*.

56 Undecided building development applications

- (1) This section applies if, immediately before 1 September 2006—
 - (a) a building development application had not been decided; and
 - (b) the application is a properly made application.
- (2) The application must be decided as if the repealed regulation had not been repealed and this regulation were not in force.

Note—

Section 278 of the Act makes a corresponding provision for amendments made under the related *Building and Other Legislation Amendment Act 2006*.

57 Development applications made for relevant building work before designation of rainwater tank area

- (1) This section applies if—
 - (a) before a designation, under former section 7 or the repealed regulation, by a local government of a designated rainwater tank area a building development application was made for relevant building work in the area; and

[s 58]

- (b) immediately before the designation, the application had not been decided.
- (2) The application must be decided as if the designation had not been made.
- (3) In this section—
- former section 7* means section 7 as in force immediately before 1 January 2007.
- relevant building work* means relevant building work under this regulation immediately before 1 January 2007.

58 Declarations under repealed regulation, s 53

On 1 September 2006—

- (a) a declaration under the repealed regulation, section 53(1)(a) becomes a designation under section 13(1)(a) of this regulation; and
- (b) a declaration under the repealed regulation, section 53(1)(b) becomes a designation under section 13(1)(b) of this regulation.

Part 9 Repeals

59 Repeals

The following are repealed—

- Standard Building Regulation 1993
- Building Regulation 2003 SL No. 175.

Schedule 1 Prescribed building work for Act, section 21

section 4

1 Work for particular fences

- (1) Building work for a fence is prescribed if the fence—
 - (a) is no higher than 2m above the fence's natural ground surface; and
 - (b) is not for a regulated pool.
- (2) Despite subsection (1), the building work is prescribed if the work consists of—
 - (a) minor repairs mentioned in schedule 2B if the minor repairs are carried out by—
 - (i) a pool safety inspector under section 246BE of the Act; or
 - (ii) a person other than a pool safety inspector and a pool safety inspector issues a pool safety certificate for the minor repairs; or
 - (b) repairs or maintenance of a barrier for a regulated pool mentioned in schedule 2C.

2 Work for particular non-load bearing devices

- (1) This section applies to building work for any of the following devices if they are non-load bearing—
 - (a) an aerial;
 - (b) an antenna;
 - (c) a satellite dish with a maximum diameter of 900mm;
 - (d) a flagpole, mast or tower, outside areas covered by airport Obstacle Limitation Surfaces Standards (O.L.S.) of the Civil Aviation Safety Authority.

- (2) The building work is prescribed if the device is no more than—
 - (a) if the device is attached to a building or structure—3.5m above the building or structure; or
 - (b) if the device is detached from any building or structure—10m above the device's natural ground surface.

3 Work for particular retaining walls

- (1) Building work for a retaining wall is prescribed if—
 - (a) there is no surcharge loading over the zone of influence for the wall; and
 - (b) the total height of the wall and of the fill or cut retained by the wall is no more than 1m above the wall's natural ground surface; and
 - (c) the wall is no closer than 1.5m to a building or another retaining wall.

(2) Despite subsection (1), the building work is not prescribed if it is for a retaining wall that forms part of the fencing for a regulated pool.

(3) In this section—

surcharge loading means a load applied to a soil stratum that has, or may have, the effect of consolidating the stratum, other than a load arising only from—

- (a) persons or vehicles on, or moving over, the stratum; or
- (b) the effects of rain on the stratum.

Example of a surcharge loading—

a concrete driveway laid over the stratum

zone of influence, for the retaining wall, means the volume of soil stratum behind the wall that affects the wall's structural integrity.

4 Particular filling or excavation

Filling or excavation is prescribed if—

- (a) the proposed cut or fill is no deeper than 1m above or below the natural ground surface for the relevant building or structure; and
- (b) any cut embankment is only into soil of a following type and no steeper than gradient stated for the soil type—
 - (i) for sand—2 horizontal to 1 vertical;
 - (ii) for silt—4 horizontal to 1 vertical;
 - (iii) for firm clay—1 horizontal to 1 vertical;
 - (iv) for soft clay—3 horizontal to 2 vertical; and
- (c) any fill embankment is no steeper than 4.0 horizontal to 1.0 vertical; and
- (d) any compacted fill embankment is only into soil of a following type and no steeper than gradient stated for the soil type—
 - (i) for sand—3 horizontal to 2 vertical;
 - (ii) for silt—4 horizontal to 1 vertical;
 - (iii) for firm clay—2 horizontal to 1 vertical.

5 Work for particular heating devices

Building work is prescribed if it consists of the installation, repair, maintenance or alteration of a heating device for a building, other than a heating device that is an integral part of, or abuts, the building.

Example—

a free-standing pot belly stove or other combustion heater, the chimney of which passes through the building's ceiling and roof space

6 Work for particular signs

Building work is prescribed if it consists of the erection of a sign that is—

- (a) detached from a building; and
- (b) no higher than 2m; and
- (c) no wider than 1.2m.

7 Particular repairs, maintenance or alterations not affecting structural component or fire safety system

Building work that consists of repairs, maintenance or alterations to an existing building or structure, other than alterations to existing fencing for a regulated pool, is prescribed if they do not—

- (a) change the building or structure's floor area or height; and
- (b) affect a structural component or the fire safety system of the building or structure.

8 Particular repairs, maintenance or alterations only affecting minor structural component

- (1) This section applies to building work that consists of repairs, maintenance or alterations to an existing building, other than alterations to existing fencing for a regulated pool, if they—
 - (a) do not change the building or structure's floor area or height; and
 - (b) are for, or only affect, a minor structural component of the building.
- (2) The building work is prescribed if—
 - (a) the work does not affect more than 20% of the building's structural components of the same type; or
 - (b) if the work is carried out on a sole-occupancy unit in the building—the work and other building work of the same type carried out on the unit in the previous 3 years does not affect more than the lesser of the following—
 - (i) 20% of the unit's gross floor area;
 - (ii) 40m² of the unit's floor area; or

- (c) if the building consists of stories and the work is not carried out on a sole-occupancy unit—the work and other building work of the same type carried out on the same storey in the previous 3 years does not affect more than the lesser of the following—
- (i) 20% of the storey's gross floor area;
 - (ii) 40m² of the storey's floor area.
- (3) For subsection (1)(b), a structural component is minor only if—
- (a) the component is—
 - (i) a roof beam or lintel supporting no more than 5m² of roof area; or
 - (ii) a sun hood or sun blind projecting no more than 1m from the building; or
 - (b) if the work is repairing or maintaining the component—were it not present in the building, the building's general safety and structural integrity would not be at risk; or

Examples—

- replacing a verandah post
 - replacing a metal connector or bracing member
- (c) if the work is adding the component to the building—the addition does not pose a risk to the building's general safety and structural integrity.
- (4) In this section—

building includes structure.

gross floor area, of a sole-occupancy unit or storey, means the total area of—

- (a) all parts of the unit or storey within its external walls; and
- (b) any other roofed part of the unit or storey.

Example for paragraph (b)—

a roofed balcony

9 Particular repairs, maintenance or alterations only affecting minor component of fire safety system

- (1) This section applies to building work that consists of repairs, maintenance or alterations to an existing building if they—
 - (a) do not change the building's floor area or height; and
 - (b) only affect a minor component of the building's fire safety system.
- (2) The building work is prescribed if the work—
 - (a) only affects a minor component of the system; and
 - (b) does not affect more than 20% of the system's components of the same type.
- (3) For subsection (2)(a), a component is minor only if, were it not present in the fire safety system, the safety of occupants of the building would not be compromised.

Examples of a minor component of a fire safety system—

- a sprinkler head
- a smoke alarm

- (4) In this section—

building includes structure.

10 Work for particular budget accommodation buildings built, approved or applied for before 1 January 1992

- (1) Building work is prescribed if it consists of the installation of any of the following for a budget accommodation building to which chapter 7, part 3 of the Act applies—
 - (a) smoke alarms;
 - (b) a smoke detection system unless—
 - (i) the system is a 1670 system; and
 - (ii) the fire safety standard requires the installation of a 1670 system in the building;
 - (c) internally illuminated exit signs;
 - (d) fire extinguishers.

(2) Subsection (1) applies despite section 9 of this schedule.

(3) In this section—

1670 system means a fire safety system to which AS 1670.1-1995 applies.

11 Work for particular temporary things on building sites

Building work is prescribed if it is for a temporary site office, gantry or scaffolding on a building site.

12 Erecting particular tents

Building work is prescribed if it consists of erecting a tent if the tent's floor area is no more than 500m².

13 Other work for class 10 buildings or structures

(1) This section applies to building work for a class 10 building or structure (the **class 10**), unless the building work is—

- (a) within Wind Region C (tropical cyclone area) mentioned in AS 1170.2 SAA Wind Loading Code; or
- (b) for a rainwater tank for a new building; or
- (c) for a deck that is roofed or higher than 1m above the deck's natural ground surface; or
- (d) for a chapter 8 pool or its fence.

Editor's note—

BCA (2009 edition), part A3.2 (Classifications)—

Class 10: A non-habitable building or structure—

- (a) **Class 10a**—a non-habitable building being a *private garage*, carport, shed or the like; or
- (b) **Class 10b**—a structure being a fence, mast, antenna, retaining or free-standing wall, *swimming pool* or the like.

(2) The building work is prescribed if—

- (a) the plan area of the class 10 is no more than 10m²; and
- (b) the class 10 has, above its natural ground surface—

- (i) a height of no more than 2.4m; and
 - (ii) if the class 10 is not a rainwater tank—a mean height of no more than 2.1m, worked out by dividing its total elevational area facing the boundary by its horizontal length facing the boundary; and
 - (c) any side of the class 10 is no longer than 5m.
- (3) Despite subsection (2), the building work is not prescribed if—
- (a) another section of this schedule applies to the work; and
 - (b) the work does not comply with the requirements under the other section for it to be prescribed.

- (4) In this section—

plan area, of the class 10, means the area contained within its extremities after the building work has been completed, including, overhangs and, if the class 10 is existing, its existing area.

rainwater tank means—

- (a) a covered tank used to collect rainwater from a building; and
- (b) any stand or other structure that supports the tank.

14 Work for particular air conditioners

Building work is prescribed if it consists of the installation, repair, maintenance or alteration of an air conditioner for cooling or heating a building of any class, other than an air conditioner that is an integral part of the building.

Example of air conditioner that is an integral part of a building—

air conditioner that is part of the fire safety system or mechanical ventilation system for the building

Schedule 2 Building work prescribed as exempt development for the Planning Act

section 5

1 Work for particular class 10b structures or special structures

Building work for a class 10b structure or special structure is prescribed if—

- (a) the structure is not—
 - (i) a fence; or
 - (ii) a retaining wall; or
 - (iii) a free standing wall; or
 - (iv) a swimming pool; and
- (b) the structure is no higher than 3m above its natural ground surface.

Examples—

playground and sporting equipment, garden furniture, temporary market stalls, minor plant and equipment covers that are no more than 3m above their natural ground surface

2 Attaching particular sun hoods

Attaching a sun hood to an existing building is prescribed if the sun hood's area is less than 2m².

3 Erecting particular tents

Erecting a tent is prescribed if the tent's floor area is no more than 100m².

4 Other work for class 10 buildings or structures

- (1) Building work for a class 10 building or structure (the *class 10*) is prescribed if—
 - (a) the work is not building work to which another section of this schedule applies; and
 - (b) the class 10 is on land used for agricultural, floricultural, horticultural or pastoral purposes; and
 - (c) no part of the class 10 is within 200m of a road or a boundary of the land on which the class 10 is situated; and
 - (d) the class 10 is not a chapter 8 pool or its fence.
- (2) Despite subsection (1), the building work is not prescribed if—
 - (a) another section of this schedule applies to the work; and
 - (b) the work does not comply with the requirements under the other section for it to be prescribed.

Schedule 2A Prescribed local governments

section 15

Aurukun Shire Council
Balonne Shire Council
Banana Shire Council
Barcaldine Regional Council
Barcoo Shire Council
Blackall Tambo Regional Council
Boulia Shire Council
Bulloo Shire Council
Burke Shire Council
Carpentaria Shire Council
Cassowary Coast Regional Council
Central Highlands Regional Council
Charters Towers Regional Council
Cloncurry Shire Council
Cook Shire Council
Croydon Shire Council
Diamantina Shire Council
Doomadgee Aboriginal Shire Council
Etheridge Shire Council
Flinders Shire Council
Hinchinbrook Shire Council
Hope Vale Aboriginal Shire Council
Isaac Regional Council
Kowanyama Aboriginal Shire Council

Lockhart River Aboriginal Shire Council
Longreach Regional Council
Mapoon Aboriginal Shire Council
Maranoa Regional Council
McKinlay Shire Council
Mornington Shire Council
Mount Isa City Council
Murweh Shire Council
Napranum Aboriginal Shire Council
Northern Peninsula Area Regional Council
Palm Island Aboriginal Shire Council
Paroo Shire Council
Pormpuraaw Aboriginal Shire Council
Quilpie Shire Council
Richmond Shire Council
Tablelands Regional Council
Torres Shire Council
Torres Strait Island Regional Council
Whitsunday Regional Council
Winton Shire Council
Woorabinda Aboriginal Shire Council
Wujal Wujal Aboriginal Shire Council

Schedule 2B Minor repairs

section 16D and schedule 1, section 1(2)(a)

1 Minor repairs of barriers for a regulated pool

- (1) Repairing, replacing or adjusting part of the existing barriers for a regulated pool is prescribed if—
 - (a) the repairing, replacing or adjusting of the part is carried out to comply with the pool safety standard; and
 - (b) the part repaired, replaced or adjusted is no longer than a total of 5m and includes no more than 6 posts.
- (2) Subsection (1)(b) does not apply to the following minor repairs to the barriers for a regulated pool—
 - (a) reducing a gap under the barriers other than by lowering the panels or palings of the barriers;
Examples of reducing a gap under the barriers for the pool—
 - installing a shield at the bottom of the barriers for the pool
 - laying paving to reduce the gap under the barriers for the pool
 - (b) increasing the height of the barriers for a regulated pool other than by raising the panels or palings of the barriers.
Example of increasing the height of the barriers for the pool—

installing capping along the top of the barriers
- (3) Also, erecting a new part of the barriers for a regulated pool is prescribed if—
 - (a) the erecting of the part is carried out to comply with the pool safety standard; and
 - (b) the part erected is no longer than a total of 5m and includes no more than 6 posts.
- (4) The work prescribed in subsections (1) and (3) includes the following—

- (a) repairing, replacing or adjusting loose or damaged panels for the barriers for the pool;
- (b) raising the panels of the barriers for the pool to increase the height of the barriers;
- (c) lowering panels of the barriers for the pool to reduce a gap under the barriers;
- (d) replacing brackets or other fixings for panels of the barriers for the pool;
- (e) erecting a new part of the fencing to join 2 existing parts of the barriers for the regulated pool.

Examples for paragraph (e)—

- erecting a new part of the barriers for a regulated pool to create a corral outside a self-closing door that opens into a pool area
- installing a new part of the barriers for a regulated pool between an existing dividing fence for the land and a wall of a building that forms part of the barriers for the pool

2 Minor repairs of gates

- (1) Repairing, replacing, adjusting or installing a gate in the barriers for a regulated pool is prescribed if the repairing, replacing, adjusting or installing of the gate is carried out to comply with the pool safety standard.
- (2) The work prescribed in subsection (1) includes the following—
 - (a) replacing, adjusting or installing strikers or latches;
 - (b) tightening, adjusting or installing hinges to ensure they are capable of holding the gate;
 - (c) tightening, adjusting or installing a self-closing mechanism on a gate to ensure the gate self-closes;
 - (d) replacing, repairing, adjusting or installing hinges to ensure a gate self-closes;
 - (e) making alterations to a gate to change the direction of the gate's swing;

- (f) installing a new gate in a new part of the barriers for the pool.

3 Minor repairs of protected windows and doors

- (1) Protecting a window or door is prescribed if the protecting of the window or door is carried out to comply with the pool safety standard.
- (2) The work prescribed in subsection (1) includes the following—
 - (a) permanently disabling a window or door opening;
 - (b) stopping a window or door from opening more than 100mm;
 - (c) installing a security screen for a window or door;
 - (d) inserting rivets, screws or chocks in windows;
 - (e) removing tracks and running gear from a window or door.

4 Non-climbable zone works

- (1) Minor works to protect the barriers for a regulated pool, including the fencing or a gate for the pool, or an object adjacent to the barriers, is prescribed if the minor work is carried out to ensure a person is not able to climb the barriers for the pool.
- (2) The work prescribed in subsection (1) includes the following—
 - (a) installing shielding material that is suitably durable to protect footholds in the barriers for the pool;
 - (b) adding return barriers to a barrier that is a permanent body of water;
 - (c) removing a climbable object adjoining the barriers for the pool;

- (d) installing shielding material that is suitably durable on a part of the barriers for the pool that adjoins a retaining wall;
- (e) closing gaps between a part of the barriers for the pool and another part of the barriers for the pool or a dividing fence for the land;
- (f) installing material to make the barriers for the pool non-climbable;
- (g) installing shielding material that is suitably durable in front of a latch on a gate;
- (h) removing or shielding footholes or other climbable objects that affect the barriers for the pool;
- (i) trimming or removing trees, branches or vegetation on or adjoining the barriers for the pool.

Schedule 2C Repairs and maintenance for regulated pools

schedule 1, section 1(2)(b)

1 Repairs and maintenance of barriers for a regulated pool

(1) Repairing or adjusting part of the existing barriers for a regulated pool is prescribed if—

- (a) the repairing or adjusting of the part is carried out to comply with the pool safety standard; and
- (b) the part repaired or adjusted is no longer than a total of 2.4m and includes no more than 2 posts.

(2) Subsection (1)(b) does not apply to the following repairs or maintenance to a barrier for a regulated pool—

- (a) reducing a gap under the barriers for the pool other than by lowering the panels or palings of the barriers;

Examples of reducing a gap under the barriers for the pool—

- installing a shield at the bottom of the barriers
- laying paving to reduce the gap under the barriers

- (b) increasing the height of the barriers for a regulated pool other than by raising the panels or palings of the barriers.

Example of increasing the height of the barriers for the pool—

installing capping along the top of the barriers

(3) The work prescribed in subsection (1) includes the following—

- (a) repairing, replacing or adjusting loose or damaged palings for the barriers for the pool;
- (b) raising the panels of the barriers for the pool to increase the height of the barriers;
- (c) lowering panels of the barriers for the pool to reduce a gap under the barriers;

- (d) replacing brackets or other fixings for panels of the barriers for the pool.

2 Repairs of gates

- (1) Repairing, replacing or adjusting a gate in the barriers for a regulated pool is prescribed if the repairing, replacing or adjusting of the gate is carried out to comply with the pool safety standard.
- (2) The work prescribed in subsection (1) includes the following—
 - (a) replacing, adjusting or installing strikers or latches;
 - (b) tightening, adjusting or installing hinges to ensure they are capable of holding the gate;
 - (c) tightening, adjusting or installing a self-closing mechanism on a gate to ensure the gate self-closes;
 - (d) replacing, repairing, adjusting or installing hinges to ensure a gate self-closes;
 - (e) making alterations to a gate to change the direction of the gate's swing.

3 Repairs of protected windows and doors

- (1) Protecting a window or door for a regulated pool is prescribed if the protecting of the window or door is carried out to comply with the pool safety standard.
- (2) The work prescribed in subsection (1) includes the following—
 - (a) permanently disabling a window or door opening;
 - (b) stopping a window or door from opening more than 100mm;
 - (c) installing a security screen for a window or door;
 - (d) inserting rivets, screws or chocks in windows;
 - (e) removing tracks and running gear from a window or door.

4 Non-climbable zone works

- (1) Work to protect the barriers for a regulated pool, including the fencing or a gate for the pool, or an object adjacent to the barriers, is prescribed if the work is carried out to ensure a person is not able to climb the barriers for the pool.
- (2) The work prescribed in subsection (1) includes the following—
 - (a) installing shielding material that is suitably durable to protect footholds in the barriers for the pool;
 - (b) removing a climbable object adjoining the barriers for the pool;
 - (c) installing shielding material that is suitably durable on a part of the barriers for the pool that adjoins a retaining wall;
 - (d) closing gaps between a part of the barriers for the pool and another part of the barriers for the pool or a dividing fence for the land;
 - (e) installing material to make the barriers for the pool non-climbable;
 - (f) installing shielding material that is suitably durable in front of a latch on a gate;
 - (g) removing or shielding footholes or other climbable objects that affect the barriers for the pool;
 - (h) trimming or removing trees, branches or vegetation on or adjoining the barriers for the pool.

Schedule 3 Fees

section 54

\$

1	For variation application (Act, s 38)—	
	(a) if site inspection by the chief executive is not required and the building has a floor area of—	
	(i) 500m ² or less	433.00
	(ii) more than 500m ²	626.00
	(b) if site inspection by the chief executive is required and the building has a floor area of—	
	(i) 500m ² or less	626.00
	(ii) more than 500m ²	929.00
2	Fee to fast-track decision for variation application (Act, s 39)	50% of the fee payable for the application
3	Application fee for licensing a building certifier (Act, s 156)	118.00
4	Licence fee for licensing a building certifier (Act, s 156)	626.00
4A	Fee for approval of pool safety management plan for a swimming pool (Act, s 245M(2)(b)(ii))—	
	(a) if a pool safety management plan has not previously been approved for the pool—	
	(i) standard fee	1 600.00
	(ii) additional fee if the pool safety management plan relates to more than 1 swimming pool	90.00 for each additional pool
	(iii) additional fee if site inspection by the chief executive is required	900.00
	(b) if a pool safety management plan has previously been approved for the pool—	

	\$
(i) standard fee if pool safety measures under the pool safety management plan are the same, or substantially the same, as the pool safety measures under the previously approved plan.	320.00
(ii) standard fee if subparagraph (i) does not apply	1 600.00
(iii) additional fee if site inspection by the chief executive is required.	900.00
4B Fee for an identification number for a pool safety certificate (Act, s 246AJ(3))	30.00
5 Fee to access the regulated pools register (Act, s 246AT(1)(a))	nil
6 Fee for a paper copy of information held in the regulated pools register (Act, s 246AT(1)(b))—	
(a) for the first page	5.00
(b) for each additional page	2.00
7 Application fee for licensing as a pool safety inspector (Act, s 246BI(1)(c)(i))	300.00
8 Licence fee for licensing as a pool safety inspector (Act, s 246BI(1)(c)(ii))	150.00
9 Renewal of a pool safety inspector’s licence (Act, s 246BM(2)(b)(ii))—	
(a) renewal fee	150.00
(b) licence fee	75.00
10 Restoration of a pool safety inspector’s licence (Act, s 246BR(2)(c))—	
(a) restoration fee	300.00
(b) licence fee	150.00
11 Fee for replacement of a pool safety inspector’s licence (Act, s 246CE(2)(b)).	50.00
12 Fees for approval to conduct training course (Act, s 246DH(2)(c))—	
(a) application fee.	750.00
(b) approval fee.	250.00

Schedule 3

	\$
13 Fees for renewal of approval to conduct training course (Act, s 246DK(3)(c))—	
(a) application for renewal fee	375.00
(b) approval fee.	125.00

Schedule 4 Dictionary

section 3

accumulate, for part 4, division 3, see section 16F(4).

aspect, of building work, means a component of a stage of the work.

aspect work see section 42(1)(b).

assessable building work means building work that is not development requiring compliance assessment under the Planning Act, self-assessable building work or exempt development.

builder, for building work, means the person in charge of carrying out the work.

Examples of a builder for building work—

- 1 a person who contracts with an owner to perform building work for the owner
- 2 a person who holds an owner-builder permit under the *Queensland Building Services Authority Act 1991* for building work and who, under that Act, engages subcontractors to perform all or part of the work

building certifier for—

- (a) a provision about a competent person, means the building certifier who decided the person is a competent person; or
- (b) a provision about assessable building work, means the building certifier who performed, or is performing, building certifying functions for the building development approval for the work.

building design or specification means any material, system, method of building or other thing related to the design of or specifications for building work.

certificate of inspection means a certificate under section 32 that states a stage of assessable building work complies with the building development approval.

chapter 8 pool means a swimming pool to which chapter 8 of the Act applies.

competent person see section 17(3).

competent person (design/specification) see section 17(4).

competent person (inspections) see section 17(5).

continuous 3-year period, for part 4, division 3, see section 16E.

demerit contravention, for part 4, division 3, see section 16E.

demerit points, for part 4, division 3, see section 16E.

design/specification help, for a competent person, see section 17(1)(a).

final stage, of building work, means the last stage of the building work provided for under section 24.

floor area, of a building or structure, sole-occupancy unit or storey, means its floor area as defined under the BCA.

inspecting person see section 30(2).

inspection day, for part 6, division 1, subdivision 4A, see section 35A(1)(b).

inspection guidelines see section 26(1).

inspection help, for a competent person, see section 17(1)(b).

natural ground surface, for a building, device or structure. means the ground surface located at site of the building or structure on the day the first plan of survey showing the relevant allotment was first registered.

noncompliance notice see section 33(2).

notice for inspection see section 27(2).

planning scheme maps means maps used in a planning scheme.

pool work, for part 6, division 1, subdivision 4A, see section 35A(1)(a).

QBSA licensee see section 42(1)(c).

QBSA licensee certificate means a certificate under section 43 or 44.

qualitative statement means a statement about a performance or outcome sought to be achieved when buildings or structures for relevant work are completed.

quantifiable standard means a standard that achieves a performance or outcome sought under a qualitative statement.

referral agency aspects see section 37(a).

relevant provision, for part 4, division 3, see section 16E.

road—

1 a *road* is—

- (a) an area of land dedicated to public use as a road; or
- (b) an area open to, or used by, the public and developed for, or has, as 1 of its main uses, the driving or riding of motor vehicles.

2 However a *road* does not include a pedestrian or bicycle path.

sole-occupancy unit means a sole-occupancy unit as defined under the BCA.

stage, of assessable building work, means a stage of the work provided for under section 24.

storey means a storey as defined under the BCA.

structural component, of a building, means an element or a part of a building that carries or transfers a load in addition to its own weight.

supervising certifier see section 23A.

temporary fence means a temporary fence that complies with QDC part MP3.4.

tent means a temporary structure clad in canvas, plastic or similar material, with or without walls, supported by poles or similar supports and fastened to the ground using ropes, pegs or ballast.

Examples—

circus tent, box frame marquee

Endnotes

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 6 May 2011. Future amendments of the Building Regulation 2006 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	1 September 2006	
1A	2006 SL No. 315	1 January 2007	
1B	2007 SL No. 87	18 May 2007	
1C	2007 SL No. 150	29 June 2007	R1C withdrawn, see R2
2	—	29 June 2007	
2A	2007 SL No. 280	23 November 2007	
2B	2007 SL No. 326	14 December 2007	
2C	2008 SL No. 91	4 April 2008	
2D	2008 SL No. 113	1 May 2008	
2E	2008 SL No. 227	18 July 2008	R2E withdrawn, see R3
3	—	18 July 2008	
3A	2008 SL No. 375	14 November 2008	
3B	2008 SL No. 413	1 January 2009	
3C	2009 SL No. 17	1 March 2009	

Reprint No.	Amendments included	Effective	Notes
3D	2009 SL No. 45	1 May 2009	
3E	2009 SL No. 136	26 June 2009	
3F	2009 SL No. 92	1 July 2009	
4	2009 SL No. 191	11 September 2009	
4A	2009 SL No. 262	1 December 2009	
4B	2009 SL No. 280	18 December 2009	
4C	2009 SL No. 298	1 January 2010	
4D	2010 SL No. 20	26 February 2010	
4E	2010 SL No. 48	26 March 2010	
4F	2010 SL No. 68	23 April 2010	
	2010 SL No. 69		
4G	2010 SL No. 68	1 May 2010	
4H	2010 SL No. 69	1 July 2010	
	2010 SL No. 148		
4I	2010 SL No. 221	27 August 2010	
4J	2010 SL No. 289	15 October 2010	
4K	2010 SL No. 309	5 November 2010	
4L	2010 SL No. 324	26 November 2010	
5	2010 SL No. 289	1 December 2010	
	2010 SL No. 309		
5A	2011 SL No. 48	6 May 2011	

5 Tables in earlier reprints

Name of table	Reprint No.
Corrected minor errors	1

6 List of legislation

Building Regulation 2006 SL No. 227

made by the Governor in Council on 14 August 2006

notfd gaz 18 August 2006 pp 1821–5

ss 1–2 commenced on date of notification

remaining provisions commenced 1 September 2006 immediately after the commencement of s 5 of the Building and Other Legislation Amendment Act 2006 No. 36 (see s 2 and 2006 SL No. 226)

exp 1 September 2016 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Building and Other Legislation Amendment Regulation (No. 2) 2006 SL No. 315 pts 1-2

notfd gaz 15 December 2006 pp 1861-5
ss 1-2 commenced on date of notification
remaining provisions commenced 1 January 2007 (see s 2)

Building and Other Legislation Amendment Regulation (No. 1) 2007 SL No. 87 s 1, pt 2

notfd gaz 18 May 2007 pp 345-8
commenced on date of notification

Building and Other Legislation Amendment Regulation (No. 2) 2007 SL No. 150 pts 1-2

notfd gaz 29 June 2007 pp 1157-65
commenced on date of notification

Building Amendment Regulation (No. 1) 2007 SL No. 280

notfd gaz 23 November 2007 pp 1682-4
commenced on date of notification

Building and Other Legislation Amendment Regulation (No. 3) 2007 SL No. 326 pts 1-2

notfd gaz 14 December 2007 pp 2131-5
commenced on date of notification

Building Amendment Regulation (No. 1) 2008 SL No. 91

notfd gaz 4 April 2008 p 1854
commenced on date of notification

Building Amendment Regulation (No. 2) 2008 SL No. 113

notfd gaz 1 May 2008 pp 1-2
ss 4, 6 commenced 1 May 2008 (see s 2)
remaining provisions commenced on date of notification

Building and Other Legislation Amendment Regulation (No. 1) 2008 SL No. 227 pts 1-2

notfd gaz 18 July 2008 pp 1710-12
commenced on date of notification

Building and Other Legislation Amendment Regulation (No. 2) 2008 SL No. 375 pts 1-2

notfd gaz 14 November 2008 pp 1346-7
commenced on date of notification

Building Fire Safety and Other Legislation Amendment Regulation (No. 1) 2008 SL No. 413 pts 1, 3

notfd gaz 12 December 2008 pp 2044-53
ss 1-2 commenced on date of notification
remaining provisions commenced 1 January 2009 (see s 2)

Building and Other Legislation Amendment Regulation (No. 1) 2009 SL No. 17 pts 1–2

notfd gaz 20 February 2009 pp 852–3
ss 1–2 commenced on date of notification
remaining provisions commenced 1 March 2009 (see s 2)

Building Amendment Regulation (No. 1) 2009 SL No. 45

notfd gaz 1 May 2009 pp 100–1
ss 1–2 commenced on date of notification
remaining provisions commenced 1 May 2009 (see s 2)

Building and Other Legislation Amendment Regulation (No. 2) 2009 SL No. 92 pts 1–2

notfd gaz 19 June 2009 pp 707–11
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2009 (see s 2)

Building Amendment Regulation (No. 2) 2009 SL No. 136

notfd gaz 26 June 2009 pp 831–7
commenced on date of notification

Building Amendment Regulation (No. 3) 2009 SL No. 191

notfd gaz 11 September 2009 pp 148–9
commenced on date of notification

Building and Other Legislation Amendment Regulation (No. 3) 2009 SL No. 262 pts 1–2

notfd gaz 20 November 2009 pp 900–3
ss 1–2 commenced on date of notification
remaining provisions commenced 1 December 2009 (see s 2)

Sustainable Planning Regulation 2009 SL No. 280 ss 1–2, pt 9 div 5

notfd gaz 27 November 2009 pp 1001–6
ss 1–2 commenced on date of notification
remaining provisions commenced 18 December 2009 (see s 2)

Building and Other Legislation Amendment Regulation (No. 4) 2009 SL No. 298 pts 1–2

notfd gaz 11 December 2009 pp 1187–91
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2010 (see s 2)

Building Amendment Regulation (No. 1) 2010 SL No. 20

notfd gaz 26 February 2010 pp 465–7
commenced on date of notification

Building and Other Legislation Amendment Regulation (No. 1) 2010 SL No. 48 pts 1–2

notfd gaz 26 March 2010 pp 722–4
commenced on date of notification

Building Amendment Regulation (No. 2) 2010 SL No. 68

notfd gaz 23 April 2010 pp 1008–11
ss 1–2 commenced on date of notification
s 5 commenced 1 May 2010 (see s 2)
remaining provisions commenced on date of notification

Building and Other Legislation Amendment Regulation (No. 2) 2010 SL No. 69 pts 1–2

notfd gaz 23 April 2010 pp 1008–11
ss 1–2 commenced on date of notification
s 5 commenced 1 July 2010 (see s 2)
remaining provisions commenced on date of notification
Note—A regulatory impact statement and explanatory note were prepared.

Building and Other Legislation Amendment Regulation (No. 3) 2010 SL No. 148 pts 1–2

notfd gaz 25 June 2010 pp 823–30
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2010 (see s 2)

Building Amendment Regulation (No. 3) 2010 SL No. 221

notfd gaz 27 August 2010 pp 1520–4
commenced on date of notification

Building Amendment Regulation (No. 4) 2010 SL No. 289

notfd gaz 15 October 2010 pp 431–2
ss 1–2 commenced on date of notification
s 6 (to the extent it ins s 16A) commenced 1 December 2010 immediately after the commencement of s 10 (to the extent it ins s 246AS) of the Building and Other Legislation Amendment Act 2010 No. 21 (see s 2)
remaining provisions commenced on date of notification
Note—A regulatory impact statement and explanatory note were prepared.

Building Amendment Regulation (No. 5) 2010 SL No. 309

notfd gaz 5 November 2010 pp 656–7
ss 1–2 commenced on date of notification
ss 4, 6, 10 commenced 1 December 2010 (see s 2)
remaining provisions commenced on date of notification
Note—A regulatory impact statement and explanatory note were prepared.

Building and Other Legislation Amendment Regulation (No. 4) 2010 SL No. 324 pts 1–2

notfd gaz 26 November 2010 pp 810–13
commenced on date of notification

Building and Other Legislation Amendment Regulation (No. 1) 2011 SL No. 48 pts 1–2

notfd gaz 6 May 2011 pp 39–40
commenced on date of notification
Note—An explanatory note was prepared.

7 List of annotations

Prescribed building work for Act, s 21

s 4 amd 2009 SL No. 280 s 52

Building work that is exempt development for the Planning Act—Act, s 22

s 5 prov hdg amd 2009 SL No. 280 s 53

PART 3—PRESCRIBED MATTERS OR ASPECTS FOR LOCAL LAWS OR LOCAL PLANNING INSTRUMENTS

pt hdg amd 2009 SL No. 280 s 54

Division 1—Preliminary

div hdg om 2006 SL No. 315 s 4

Operation of pt 3

s 6 amd 2009 SL No. 280 s 55

Division 2—Designated rainwater tank areas

div hdg om 2006 SL No. 315 s 4

Additional water saving targets

s 7 sub 2006 SL No. 315 s 5
amd 2007 SL No. 326 s 3

Justification for designating rainwater tank areas

s 8 om 2006 SL No. 315 s 5

Guidelines for justifying designation of rainwater tank areas

s 9 om 2006 SL No. 315 s 5

Division 3—Other prescribed matters and aspects

div hdg om 2006 SL No. 315 s 4

Planning scheme provisions about particular performance criteria under QDC part 1.1 or QDC part 1.2

prov hdg amd 2007 SL No. 326 s 4(1)

s 10 amd 2006 SL No. 315 s 6; 2007 SL No. 326 s 4; 2010 SL No. 48 s 3

Designation by local planning instrument of bush fire prone areas

prov hdg amd 2009 SL No. 191 s 3(1)

s 12 amd 2008 SL No. 227 s 3; 2009 SL No. 191 s 3(2)–(3)

Land liable to flooding

s 13 amd 2009 SL No. 280 s 56

PART 4—SWIMMING POOL SAFETY

pt hdg amd 2009 SL No. 262 s 4

sub 2010 SL No. 289 s 4

Division 1—Swimming pool barriers and signs

div hdg ins 2010 SL No. 289 s 4

Resuscitation sign requirements and display

s 13A ins 2010 SL No. 289 s 5

Warning sign requirements and display—Act, s 233

s 14 amd 2009 SL No. 262 s 5
 sub 2010 SL No. 309 s 4

Division 2—General provisions

div hdg ins 2010 SL No. 289 s 6

Prescribed local governments—Act, s 246ACA

s 15 prev s 15 amd 2009 SL No. 262 s 6
 om 2010 SL No. 309 s 4
 pres s 15 ins 2010 SL No. 309 s 5

Prescribed notification requirements—Act, s 246ATM

s 16 prev s 16 om 2010 SL No. 309 s 4
 pres s 16 ins 2010 SL No. 309 s 5

Additional particulars for regulated pools register—Act, s 246AS

s 16A ins 2010 SL No. 289 s 6

Prescribed professional indemnity insurance—Act, s 246AV

s 16B ins 2010 SL No. 289 s 6
 amd 2010 SL No. 309 s 6

Approved code of conduct for pool safety inspectors—Act, s 246BA

s 16C ins 2010 SL No. 289 s 6

Prescribed minor repairs—Act, s 246BE

s 16D ins 2010 SL No. 289 s 6
 amd 2010 SL No. 309 s 7

Division 3—Provisions about demerit points

div hdg ins 2010 SL No. 309 s 8

Subdivision 1—General

sdiv 1 (s 16E) ins 2010 SL No. 309 s 8

Subdivision 2—Calculation, allocation and accumulation of demerit points

sdiv 2 (ss 16F–16M) ins 2010 SL No. 309 s 8

Subdivision 3—Reviews of PSC’s decisions

sdiv 3 (s 16N) ins 2010 SL No. 309 s 8

PART 5A—CADET BUILDING CERTIFIERS

pt 5A (ss 23A–23C) ins 2009 SL No. 191 s 4

What is a “stage” of assessable building work

s 24 amd 2009 SL No. 262 s 7

Certificate of inspection

s 32 amd 2010 SL No. 20 s 3

Noncompliance notice

s 33 amd 2010 SL No. 20 s 4

Builder's obligation to ensure stage complies with development approval

s 34 amd 2009 SL No. 280 s 57

Subdivision 4A—Additional inspections for chapter 8 pools and their fencing in particular circumstances

sdiv 4A (ss 35A–35C) ins 2009 SL No. 262 s 8

Referral agency inspection

s 39 amd 2009 SL No. 191 s 5

Acting on referral agency's inspection notice

s 40 amd 2009 SL No. 280 s 58

Approval of replacement QDC parts

s 51A ins 2006 SL No. 315 s 7

sub 2007 SL No. 326 s 5

om 2008 SL No. 113 s 4

Approval of amendment of QDC parts 2.1 and 2.2

s 51B orig s 51B ins 2007 SL No. 87 s 5

om 2007 SL No. 326 s 5

prev s 51B ins 2008 SL No. 91 s 3

om 2010 SL No. 221 s 3

Approval of amendment of QDC by replacing parts MP4.2 and MP4.3

s 51BA orig ins 2007 SL No. 280 s 3

om 2007 SL No. 326 s 5

prev s 51BA ins 2008 SL No. 113 s 5

om 2009 SL No. 45 s 4

Approval of amendment of QDC by adding part MP5.9

s 51BB ins 2008 SL No. 113 s 5

om 2009 SL No. 45 s 4

Approval of amendment of QDC by replacing parts MP4.2 and MP4.3

s 51BC ins 2008 SL No. 375 s 3

om 2010 SL No. 221 s 3

Approval of amendment of QDC by adding part MP6.1

s 51BD ins 2008 SL No. 413 s 14

om 2010 SL No. 221 s 3

Approval of amendment of QDC by replacing part MP4.1

s 51BE ins 2009 SL No. 17 s 4

sub 2009 SL No. 45 s 5; 2009 SL No. 136 s 3

amd 2009 SL No. 298 s 4; 2010 SL No. 20 s 5

sub 2010 SL No. 68 s 4

amd 2010 SL No. 221 s 4; 2010 SL No. 324 s 3

Approval of amendment of QDC by adding part MP4.4

s 51BF prev s 51BF ins 2009 SL No. 191 s 6

om 2010 SL No. 68 s 5

pres s 51BF ins 2010 SL No. 221 s 5

Approval of amendment of QDC by adding part MP3.4

s 51BG ins 2009 SL No. 262 s 9
om 2010 SL No. 221 s 3

Approval of amendment of QDC by replacing part MP4.3

s 51BH ins 2009 SL No. 298 s 5
om 2010 SL No. 221 s 3

Approval of amendment of QDC by replacing parts MP1.1 and MP1.2

s 51BI ins 2010 SL No. 48 s 4
om 2010 SL No. 221 s 3

Approval of amendment of QDC by adding part MP1.3

s 51BJ ins 2010 SL No. 48 s 4
om 2010 SL No. 221 s 3

Approval of amendment of QDC by adding part MP3.3

s 51BK ins 2010 SL No. 69 s 4
amd 2010 SL No. 148 s 4

Approval of amendment of QDC by replacing part MP3.4

s 51BL ins 2010 SL No. 289 s 7
sub 2010 SL No. 309 s 9

Prescribed day for expiry of existing rainwater tank provisions—Act, s 283

s 51C (prev s 51B) ins 2006 SL No. 315 s 7
renum and reloc 2007 SL No. 87 s 4

Prescribed matters for private certification endorsement—Act, s 163

s 52 amd 2010 SL No. 289 s 8

Prescribed accreditation standards body—Act, s 184(1)(b)

s 52A ins 2010 SL No. 324 s 4

Division 2A—Displaying code checklist

div 2A (ss 54A–54C) ins 2010 SL No. 69 s 5

Development applications made for relevant building work before designation of rainwater tank area

s 57 amd 2006 SL No. 315 s 8

SCHEDULE 1—PRESCRIBED BUILDING WORK FOR ACT, SECTION 21

sch hdg amd 2007 SL No. 87 s 6

Work for particular fences

s 1 amd 2009 SL No. 262 s 10(1)–(2); 2010 SL No. 289 s 9(1)–(2); 2010 SL No. 309 s 10

Work for particular retaining walls

s 3 amd 2009 SL No. 262 s 10(3)–(4); 2010 SL No. 289 s 9(3)

Particular repairs, maintenance or alterations not affecting structural component or fire safety system

s 7 amd 2009 SL No. 262 s 10(5); 2010 SL No. 289 s 9(4)

Particular repairs, maintenance or alterations only affecting minor structural component

s 8 amd 2009 SL No. 262 s 10(6); 2010 SL No. 289 s 9(5)

Other work for class 10 buildings or structures

s 13 amd 2006 SL No. 315 s 9; 2009 SL No. 262 s 10(7)

Work for particular air conditioners

s 14 ins 2009 SL No. 17 s 5
amd 2010 SL No. 221 s 6

SCHEDULE 1A—THE QDC FROM 1 JANUARY 2008

ins 2007 SL No. 326 s 6
om 2008 SL No. 113 s 6

SCHEDULE 2—BUILDING WORK PRESCRIBED AS EXEMPT DEVELOPMENT FOR THE PLANNING ACT

sch hdg amd 2009 SL No. 280 s 59

Other work for class 10 buildings or structures

s 4 amd 2009 SL No. 262 s 11

SCHEDULE 2A—PRESCRIBED LOCAL GOVERNMENTS

ins 2010 SL No. 309 s 12

SCHEDULE 2B—MINOR REPAIRS

(prev sch 2A) ins 2010 SL No. 289 s 10
renum 2010 SL No. 309 s 11

SCHEDULE 2C—REPAIRS AND MAINTENANCE FOR REGULATED POOLS

(prev sch 2B) ins 2010 SL No. 289 s 10
renum 2010 SL No. 309 s 11

SCHEDULE 3—FEES

sub 2007 SL No. 150 s 3; 2008 SL No. 227 s 4; 2009 SL No. 92 s 4; 2010 SL No. 148 s 5
amd 2010 SL No. 289 s 11; 2010 SL No. 309 s 13; 2011 SL No. 48 s 3

SCHEDULE 4—DICTIONARY

def “**accumulate**” ins 2010 SL No. 309 s 14
def “**assessable building work**” amd 2009 SL No. 280 s 60
def “**chapter 8 pool**” ins 2009 SL No. 262 s 12
def “**competent person**” amd 2006 SL No. 315 s 10(2)
def “**continuous 3-year period**” ins 2010 SL No. 309 s 14
def “**demerit contravention**” ins 2010 SL No. 309 s 14
def “**demerit points**” ins 2010 SL No. 309 s 14
def “**designated rainwater tank**” om 2006 SL No. 315 s 10(1)
def “**inspection day**” ins 2009 SL No. 262 s 12
def “**pool work**” ins 2009 SL No. 262 s 12
def “**qualitative statement**” reloc from s 10 2006 SL No. 315 s 6
def “**quantifiable standard**” reloc from s 10 2006 SL No. 315 s 6
def “**rainwater tank**” om 2006 SL No. 315 s 10(1)
def “**relevant building work**” om 2006 SL No. 315 s 10(1)

Endnotes

def “**relevant provision**” ins 2010 SL No. 309 s 14
def “**supervising certifier**” ins 2009 SL No. 191 s 7
def “**temporary fence**” ins 2009 SL No. 262 s 12

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