



Queensland

Building and Other Legislation Amendment Regulation (No. 1) 2011

Explanatory Notes for SL 2011 No. 48

made under the

Building Act 1975

Plumbing and Drainage Act 2002

General outline

Short title

Building and Other Legislation Amendment Regulation (No. 1) 2011.

Authorising law

Sections 245M and 261 of the *Building Act 1975* and section 145 of the *Plumbing and Drainage Act 2002*.

Policy objectives and the reasons for them

Amendment to the *Building Regulation 2006*

Fees for applications for approval of pool safety management plan

An exemption from the pool safety standard is available under the *Building Act 1975* to the owner of a class 3 building who complies with an approved pool safety management plan. An eligible applicant for approval of a pool safety management plan must apply to the Chief Executive, Department of Local Government and Planning and the application is to be made in the

approved form, accompanied by the proposed pool safety management plan and the prescribed fee. A pool safety management plan has effect for one year and an application for approval is to be repeated each subsequent year.

Fees are required to be prescribed to recover the costs of processing the applications.

Amendments to the *Standard Plumbing and Drainage Regulation 2003*

Plumbing Code of Australia

The Plumbing Code of Australia was formerly produced by the National Plumbing Regulators Forum but is now produced as part of the National Construction Code by the Australian Building Codes Board.

It is necessary to amend the definition of ‘Plumbing Code of Australia’ to reflect this.

Queensland Plumbing and Wastewater Code (QPWC)

Part 7 of the QPWC requires new class 1 buildings (houses and townhouses) to install low greenhouse gas emission hot water systems and makes reference to the Commonwealth Government’s Mandatory Renewable Energy Target (RET) Scheme. The Commonwealth announced changes to the RET Scheme on 26 February 2010.

It has been necessary to amend the QPWC to reflect the changes and amendment to the *Standard Plumbing and Drainage Regulation 2003* is necessary to adopt the updated QPWC.

Achievement of policy objectives

Amendment to the *Building Regulation 2006*

Fees for applications for approval of pool safety management plan

The amendment regulation amends the *Building Regulation 2006* to prescribe a tiered fee structure for initial and repeat applications for approval of a pool safety management plan on a cost-recovery basis.

The proposed fee structure involves a base application fee of \$1 600.00 for both initial applications and repeat applications where the proposed pool safety management plan substantially differs from the previous pool safety management plan, \$90.00 for each additional pool (initial applications only), a discretionary \$900.00 site inspection fee for initial and repeat applications, and a base repeat application fee of \$320.00 for repeat applications where the proposed pool safety management plan is substantially the same as the previous pool safety management plan.

Amendments to the *Standard Plumbing and Drainage Regulation 2003*

Plumbing Code of Australia

The amendment regulation amends the *Standard Plumbing and Drainage Regulation 2003* to update the definition of ‘Plumbing Code of Australia’, to reflect that this now forms part of the National Construction Code produced by Australian Building Codes Board.

Queensland Plumbing and Wastewater Code (QPWC)

The amendment regulation adopts the updated version of the QPWC.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the main objectives of the *Building Act 1975*, which include regulating particular matters about swimming pool safety.

The amendment regulation is consistent with the main objectives of the *Plumbing and Drainage Act 2002*, which include regulating plumbing and drainage and the licensing of plumbers and drainers.

Inconsistency with policy objectives of other legislation

The amendment regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The amendments to the *Building Regulation 2006* prescribe the fees applicable to applications for approval of a pool safety management plan. The fee structure is an effective way of managing the costs of the processing the applications.

The amendment to the *Standard Plumbing and Drainage Regulation 2003* definition of ‘Plumbing Code of Australia’ addresses a change in the description that results simply from a change in the entity which produces the Plumbing Code of Australia. Changing the definition is an effective way of addressing this issue.

The amendment to the *Standard Plumbing and Drainage Regulation 2003* in relation to the QPWC allows for adoption of a version of the QPWC that aligns with related developments in the Commonwealth RET scheme. Adopting an updated version of the QPWC is an effective way of addressing this development.

Consistency with fundamental legislative principles

Fundamental legislative principles have been considered in the preparation of the amendment regulation and it is consistent with fundamental legislative principles.

Consultation

Consultation in relation to the fee structure for applications for approval of pool safety management plans was undertaken with the Department of the Premier and Cabinet, Department of Justice and Attorney-General and the Queensland Building Services Authority, Queensland Hotel Association, Queensland Tourism Industry Council, Accommodation Association of Australia, Tourism Queensland, Department of the Premier and Cabinet, Queensland Treasury and the Department of Employment, Economic Development and Innovation. Agencies and stakeholders consulted expressed some initial reservations about the impact on the tourism industry and the fee structure was modified to address those concerns.

The amendments to the *Standard Plumbing and Drainage Regulation 2003* were made to reflect technical developments and do not change the intent or interpretation of the Plumbing Code of Australia QPWC and no further consultation has taken place.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Local Government and Planning.

© State of Queensland 2011