



Queensland

Building and Other Legislation Amendment Regulation (No. 2) 2011

Explanatory Notes for SL 2011 No. 88

made under the

Building Act 1975

Plumbing and Drainage Act 2002

Sustainable Planning Act 2009

General outline

Short title

Building and Other Legislation Amendment Regulation (No. 2) 2011.

Authorising law

Section 261 of the *Building Act 1975*, section 145 of the *Plumbing and Drainage Act 2002* and section 763 of the *Sustainable Planning Act 2009*

Policy objectives and the reasons for them

The fees prescribed under Regulations have generally been increased annually in accordance with CPI increases. This is in accordance with announced Government policy to increase fees annually in line with the CPI percentage increase for Brisbane over 12 months to the March quarter, as published by the Australian statistician.

The responsibility for the regulation of plumbers and drainers licences in the State was transferred from the Plumbers and Drainer's Board to the

Plumbing Industry Council in February 2010. References to the board in the regulation have therefore been removed and replaced with the Council.

Amendments have also been made to clarify the regime for the granting of plumbing licenses and endorsements.

Achievement of policy objectives

This Regulation will increase building variation application fees, licence fees in relation to plumbers, drainers, building certifiers and swimming pool inspectors, fees in relation to swimming pool safety certificates, various Building and Development Committee fees and development application fees for Brisbane core port land. These increases are reasonable costs to be prescribed, as required, under section 30A of the *Statutory Instruments Act 1992*.

References to the Plumbers and Drainers Board (PDB) have been removed from the regulation and replaced with the Plumbing Industry Council (PIC) to reflect the transfer of functions from the PDB to the PIC.

Amendments have also been made to Schedules 1–3 of the Regulation to better clarify the qualifications requirements for licences and endorsements.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the main objects of the *Building Act 1975*, that is to regulate building development approvals, building work, building classification, building certifiers and pool safety inspectors, and to provide for particular matters about swimming pool safety and sustainable buildings.

The amendment regulation is also consistent with the main objects of the *Plumbing and Drainage Act 2002*, that is to regulate plumbing and drainage and the licensing of plumbers, drainers and on-site sewerage facilities.

It is also consistent with the main objectives of the *Sustainable Planning Act 2009*, which aims to streamline land use planning and development frameworks and provide certainty around development on significant sites.

Inconsistency with policy objectives of other legislation

This amendment Regulation is not inconsistent with the main objectives of any other legislation.

Alternative ways of achieving policy objectives

This amendment Regulation is the only effective means of meeting government policy and ensuring that the prescribed building, plumbing and planning fees remain relevant to contemporary needs and expectations with respect to inflation over time.

Benefits and costs of implementation

Increasing fees in accordance with CPI increases is consistent with announced Government policy and means that fees will remain relevant and appropriate with respect to inflation over time. The amendment Regulation does not impose a significant appreciable cost on fee-payers and the costs to Government are negative.

Consistency with fundamental legislative principles

The amendments are consistent with fundamental legislative principles.

Reasons for non-inclusion of information

The ‘consultation’ section was not included because Queensland Treasury has confirmed that proposed fee increases that are in line with the CPI increases are exempt from the Regulatory Assessment Statement (RAS) process. No Further consultation was conducted.

ENDNOTES

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

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