



Queensland

Building Fire Safety and Other Legislation Amendment Regulation (No. 1) 2008

Subordinate Legislation 2008 No. 413

made under the

Building Act 1975

Fire and Rescue Service Act 1990

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Building Fire Safety and Other Legislation Amendment Regulation (No. 1) 2008*.

2 Commencement

This regulation commences on 1 January 2009.

Part 2 Amendment of Building Fire Safety Regulation 2008

3 Regulation amended in pt 2

This part amends the *Building Fire Safety Regulation 2008*.

4 Replacement of ss 50–52

Sections 50 to 52—
omit, insert—

‘50 Maintenance of prescribed fire safety installations—QDC, part MP6.1

‘(1) This section applies to a person carrying out maintenance of a prescribed fire safety installation.

‘(2) The person must carry out the maintenance of the installation in compliance with QDC, part MP6.1.

Maximum penalty—30 penalty units.’.

5 Amendment of s 53 (Notifying critical defects)

Section 53(2)—

[s 6]

insert—

‘Note—

Under QDC, part MP6.1, the occupier of the building must attach to the relevant occupier statement any critical defect notice given under this section.’.

6 Amendment of s 54 (Maintenance of prescribed fire safety installations)

(1) Section 54(2)—

omit, insert—

‘(2) The occupier of a building must ensure each prescribed fire safety installation for the building is inspected and tested at intervals in compliance with QDC, part MP6.1.

Maximum penalty—30 penalty units.’.

(2) Section 54(5)—

omit.

7 Amendment of s 55 (Keeping record of maintenance)

(1) Section 55(1), ‘in the approved form and’—

omit.

(2) Section 55(2)(b) and (c)—

omit, insert—

‘(b) if the maintenance was carried out by an appropriately qualified person—the name and licence number of the person who carried out the maintenance;

(c) if the maintenance was not carried out personally by an appropriately qualified person—the name and licence number of the appropriately qualified person under whose personal supervision the maintenance was carried out;’.

(3) Section 55(2)(f) to (i)—

omit, insert—

‘(f) that the maintenance was carried out in compliance with QDC, part MP6.1;’.

(4) Section 55(2)(j)—
renumber as section 55(2)(g).

(5) Section 55(4) to (7)—
omit.

8 Insertion of new ss 55A and 55B

Part 5, division 3—

insert—

‘55A Occupier statements

‘(1) The occupier of a building must, at intervals in compliance with QDC, part MP6.1, prepare a statement (an *occupier statement*) that complies with the part about the maintenance of each prescribed fire safety installation for the building.

Maximum penalty—20 penalty units.

‘(2) The occupier must keep a copy of each occupier statement with the record of maintenance for 2 years after the statement is prepared.

Maximum penalty—20 penalty units.

‘(3) The occupier must, within 10 business days after the occupier is required to prepare an occupier statement, give the commissioner a copy of the statement.

Maximum penalty—20 penalty units.

‘55B Record keeping requirements for occupiers of particular buildings

‘(1) This section applies to the following—

(a) the occupier of a budget accommodation building for which a fire safety management plan is required under the Building Act, section 27, or the Fire Service Act, section 104FA;

[s 9]

- (b) the occupier of a building used for conducting a residential service for which a fire safety management plan is required under the *Residential Services (Accreditation) Act 2002*, section 75.
- ‘(2) The occupier must keep with the fire safety management plan for the building—
- (a) the record of maintenance for the building; and
 - (b) the occupier statements prepared under section 55A for the building.
- Maximum penalty—20 penalty units.’.

9 Amendment of s 70 (False or misleading documents)

Section 70(3), definition *document*, paragraph (b), ‘AS 1851—2005’—

omit, insert—

‘an Australian Standard mentioned in QDC, part MP6.1.’.

10 Amendment of s 85 (Particular persons taken to be appropriately qualified persons)

Section 85(3), ‘1 July 2010’—

omit, insert—

‘1 January 2011’.

11 Omission of sch 1 (Relevant Australian Standards for maintenance of particular prescribed fire safety installations)

Schedule 1—

omit.

12 Amendment of sch 3 (Dictionary)

(1) Schedule 3, definitions *relevant current standard* and *relevant former standard*—

omit.

(2) Schedule 3—

insert—

‘appropriately qualified person, for carrying out maintenance of a prescribed fire safety installation of a particular type, means a person who holds a licence that is of a class—

(a) stated in the *Queensland Building Services Authority Regulation 2003*, schedule 2A; and

(b) for which the scope of work includes maintenance of prescribed fire safety installations of that type.

Note—

See also section 85.

occupier statement see section 55A(1).’.

Part 3 Amendment of Building Regulation 2006

13 Regulation amended in pt 3

This part amends the *Building Regulation 2006*.

14 Insertion of new s 51BD

After section 51BC—

insert—

[s 14]

‘51BD Approval of amendment of QDC by adding part MP6.1

- ‘(1) The amendment of the QDC by adding part MP6.1 published by the chief executive on 20 November 2008 is approved under section 13(3) of the Act.
- ‘(2) The approval takes effect on 1 January 2009.’
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ENDNOTES

- 1 Made by the Governor in Council on 11 December 2008.
- 2 Notified in the gazette on 12 December 2008.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Infrastructure and Planning.

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