



Queensland

# Building Amendment Regulation (No. 3) 2009

## Subordinate Legislation 2009 No. 191

made under the

*Building Act 1975*

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[s 1]

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**1 Short title**

This regulation may be cited as the *Building Amendment Regulation (No. 3) 2009*.

**2 Regulation amended**

This regulation amends the *Building Regulation 2006*.

**3 Amendment of s 12 (Designation by local planning instrument of bush fire prone areas for the BCA)**

(1) Section 12, heading, ‘for the BCA’—

*omit.*

(2) Section 12(1) and (2), ‘BCA’—

*omit, insert—*

‘BCA or QDC’.

(3) Section 12(2), note—

*omit.*

**4 Insertion of new pt 5A**

After part 5—

*insert—*

**‘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—

[s 5]

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- (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.’

## **5 Amendment of s 39 (Referral agency inspection)**

- (1) Section 39(1)—  
*omit, insert—*
- ‘(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) Section 39(2), after ‘building work’—  
*insert—*  
‘or inspect or test the service’.
- (3) Section 39(3)—  
*omit, insert—*
- ‘(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.’.

**6 Insertion of new s 51BF**

After section 51BE—

*insert—*

**‘51BF Approval of amendment of QDC by adding part MP2.4**

- ‘(1) The amendment of the QDC by adding part MP2.4 published by the chief executive on 21 August 2009 is approved under section 13(3) of the Act.
- ‘(2) The approval takes effect on 1 October 2009.’.

**7 Amendment of sch 4 (Dictionary)**

Schedule 4—

*insert—*

*‘supervising certifier* see section 23A.’.

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ENDNOTES

- 1 Made by the Governor in Council on 10 September 2009.
- 2 Notified in the gazette on 11 September 2009.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Infrastructure and Planning.