



Queensland

Building Amendment Regulation (No. 4) 2010

Subordinate Legislation 2010 No. 289

made under the

Building Act 1975

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1 Short title

This regulation may be cited as the *Building Amendment Regulation (No. 4) 2010*.

2 Commencement

Section 6, to the extent it inserts section 16A, commences immediately after the commencement of the *Building and Other Legislation Amendment Act 2010*, section 10 to the extent that it inserts section 246AS.

3 Regulation amended

This regulation amends the *Building Regulation 2006*.

4 Replacement of pt 4 hdg (Swimming pool fencing and signs)

Part 4, heading—
omit, insert—

‘Part 4 Swimming pool safety

‘Division 1 Swimming pool barriers and signs’.

5 Insertion of new s 13A

Part 4, division 1—
insert—

‘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—

[s 5]

- (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.’

6 Insertion of new pt 4, div 2

Part 4—

*insert—***‘Division 2 General provisions****‘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 6]

- (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.

‘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>.

‘16D Prescribed minor repairs—Act, s 246BE

‘For section 246BE(1) of the Act, the repairs and other works set out in schedule 2A 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

[s 7]

fencing erected after a pool's electrical equipment and ancillary fittings are installed.'.

7 Insertion of new s 51BL

Part 8, division 1—

insert—

'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 8 October 2010 is approved under section 13(3) of the Act.

'(2) The approval takes effect on 15 October 2010.'.

8 Amendment of s 52 (Prescribed matters for private certification endorsement—Act, s 163)

Section 52(3), 'item 1'—

omit, insert—

'subsection (1)(a)'.

9 Amendment of sch 1 (Prescribed building work for Act, section 21)

(1) Schedule 1, section 1(1)(b), 'chapter 8'—

omit, insert—

'regulated'.

(2) Schedule 1, section 1(2)—

omit, insert—

'(2) Despite subsection (1), the building work is prescribed if the work consists of—

(a) minor repairs mentioned in schedule 2A 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 2B.’.
 - (3) Schedule 1, section 3(2), ‘chapter 8’—
omit, insert—
‘regulated’.
 - (4) Schedule 1, section 7, ‘an existing fence for a chapter 8’—
omit, insert—
‘existing fencing for a regulated’.
 - (5) Schedule 1, section 8(1), ‘an existing fence for a chapter 8’—
omit, insert—
‘existing fencing for a regulated’.

10 Insertion of new schs 2A and 2B

After schedule 2—

insert—

‘Schedule 2A 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 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;
- (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;

[s 10]

- (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 footholds 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 2B 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.’.

11 Amendment of sch 3 (Fees)

Schedule 3—

[s 11]

insert—

‘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’.
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’.

ENDNOTES

- 1 Made by the Governor in Council on 14 October 2010.
- 2 Notified in the gazette on 15 October 2010.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Infrastructure and Planning.

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