



Queensland

Building Fire Safety (Combustible Cladding Rectification Work) Amendment Regulation 2019

Subordinate Legislation 2019 No. 211

made under the

Building Act 1975

Fire and Emergency Services Act 1990

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1 Short title

This regulation may be cited as the *Building Fire Safety (Combustible Cladding Rectification Work) Amendment Regulation 2019*.

2 Regulation amended

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

3 Amendment of s 57 (Payment of fees and costs for assessment services)

Section 57—

insert—

- (6) This section does not apply to an applicant for stated building work to whom division 3A applies.

4 Amendment of s 58 (Application of div 2)

- (1) Section 58, heading, ‘div 2’—

omit, insert—

division

- (2) Section 58, after ‘division 3’—

insert—

or 3A

5 Replacement of s 61 (Application of div 3)

Section 61—

omit, insert—

61 Application of division

This division applies to an applicant for stated building work if—

- (a) the applicant asks the service to assess a fire engineering brief for the stated building work; and
- (b) division 3A does not apply to the applicant.

6 Insertion of new div 3A

Part 6—

insert—

Division 3A Assessment and inspection of required special fire services— combustible cladding rectification work

64A Fee for assessing or inspecting required special fire services

- (1) This section applies to an applicant for stated building work that is combustible cladding rectification work only.
- (2) The applicant for the stated building work must pay the service a fee for assessing or inspecting a required special fire service for the stated building work.
- (3) The amount of the fee is—
 - (a) for each full hour the service spends assessing or inspecting the required special fire service—\$242; and
 - (b) for each additional 15-minute period, or part of a 15-minute period, the service spends assessing or inspecting the required special fire service—\$60.
- (4) The applicant must pay the fee within 14 days after the service gives the applicant a notice

stating the amount payable.

(5) If the applicant does not pay the fee within the 14-day period, the service may recover the amount of the fee from the applicant as a debt.

(6) In this section—

assessing, a required special fire service for stated building work, includes—

(a) researching the required special fire service to evaluate the service; and

(b) consulting with the applicant for the stated building work, the building certifier for the stated building work or a fire engineer about a fire engineering brief relating to the required special fire service; and

(c) attending a fire engineering brief meeting in relation to the required special fire service; and

(d) assessing plans for the required special fire service.

fire engineer see the *Building Regulation 2006*, section 16O.

7 Amendment of pt 9, hdg (Transitional provisions)

Part 9, heading, after ‘provisions’—

insert—

for SL No. 160 of 2008

8 Insertion of new pt 10

After section 90—

insert—

Part 10

Transitional provision for Building Fire Safety (Combustible Cladding Rectification Work) Amendment Regulation 2019

91 Particular applications for stated building work that is combustible cladding rectification work only

- (1) This section applies in relation to an applicant for stated building work that is combustible cladding work only if the application was made before the commencement.
- (2) Subsection (3) applies if—
 - (a) during the relevant period, the applicant paid to the service a fee or cost under part 6, division 2 or 3 in relation to required special fire services for the stated building work; and
 - (b) the amount paid is more than the amount that would be payable by the applicant to the service if the application were made after the commencement.
- (3) The service must refund the difference between the amounts to the applicant.
- (4) Subsections (5) and (6) apply if, during the relevant period—
 - (a) the service started to carry out an activity in relation to required special fire services for the stated building work and the applicant had not, immediately before the commencement, paid the service a fee or cost under part 6, division 2 or 3 in relation to the activity; or

- (b) an obligation otherwise arose for the applicant to pay the service a fee or cost under part 6, division 2 or 3 in relation to required special fire services for the stated building work, but the applicant had not, immediately before the commencement, paid the fee or cost.
- (5) The applicant is not required to pay the service a fee or cost under part 6, division 2 or 3 in relation to required special fire services for the stated building work.
- (6) Part 6, as amended by the amending regulation, applies in relation to the applicant and any activity carried out by the service in relation to the application whether the activity was carried out before or after the commencement.
- (7) In this section—
- amending regulation* means the *Building Fire Safety (Combustible Cladding Rectification Work) Amendment Regulation 2019*.
- relevant period* means the period starting on 1 July 2018 and ending immediately before the commencement.

9 Amendment of sch 3 (Dictionary)

Schedule 3—

insert—

affected private building see the *Building Regulation 2006*, section 16O.

combustible cladding see the *Building Regulation 2006*, section 16O.

combustible cladding rectification work means building work for an affected private building the sole purpose of which is to—

- (a) alter combustible cladding forming part of, or attached or applied to, an external wall or another external part of the building other than the roof; or
- (b) otherwise reduce the risk of fire in connection with combustible cladding mentioned in paragraph (a).

ENDNOTES

- 1 Made by the Governor in Council on 24 October 2019.
- 2 Notified on the Queensland legislation website on 25 October 2019.
- 3 The administering agency is Queensland Fire and Emergency Services.

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