



Queensland

Building and Other Legislation (Public Cyclone Shelters) Amendment Regulation 2023

Subordinate Legislation 2023 No. 98

made under the

Building Act 1975

State Penalties Enforcement Act 1999

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[s 1]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Building and Other Legislation (Public Cyclone Shelters) Amendment Regulation 2023*.

Part 2 Amendment of Building Regulation 2021

2 Regulation amended

This part amends the *Building Regulation 2021*.

3 Insertion of new pt 9A

After part 9—

insert—

Part 9A Identifying public cyclone shelters

78A Definitions for part

In this part—

public cyclone shelter see section 78C.

public cyclone shelter compliance statement see section 78B(1).

78B What is a *public cyclone shelter compliance statement*

- (1) A *public cyclone shelter compliance statement* is a statement in the approved form about a relevant

building or part of a relevant building—

- (a) issued by an assessor; and
 - (b) stating that the building or part—
 - (i) complies with the Queensland Development Code, MP 3.8; and
 - (ii) is suitable for occupation by the public during a cyclone.
- (2) A public cyclone shelter compliance statement has effect for 1 year after the day it is issued.
- (3) In this section—

assessor means a person who holds a certificate of accreditation from an accreditation standards body that is suitable for obtaining a licence at the level of building certifier–level 1.

relevant building means—

- (a) a building owned by the State or a local government; or
- (b) a building for which a certificate of occupancy has been issued.

78C When is a building, or part of a building, a *public cyclone shelter*

- (1) A building or part of a building is a ***public cyclone shelter*** if—
- (a) the building or part is a shelter for occupation by the public during a cyclone under a local disaster management plan; and
 - (b) a certificate of occupancy has been issued for the building or, in the case of a part of a building, the building of which it is a part; and

[s 4]

- (c) a public cyclone shelter compliance statement has been issued, and is in effect, for the building or part.
- (2) Also, a building or part of a building is a **public cyclone shelter** if—
 - (a) the building or part is owned by the State or a local government; and
 - (b) the building or part is a shelter for occupation by the public during a cyclone under a local disaster management plan.
- (3) In this section—
local disaster management plan see the *Disaster Management Act 2003*, section 57(1).

78D Identifying a building, or part of a building, using words ‘public cyclone shelter’

- (1) The owner or occupier of a building or part of a building must not, without a reasonable excuse, use the words ‘public cyclone shelter’ in a broadcast or publication to indicate the building or part is available for occupation as a shelter by the public during a cyclone.
Maximum penalty—20 penalty units.
- (2) Subsection (1) does not apply if the building or part is a public cyclone shelter.
- (3) In this section—
use includes cause to be used.

4 Amendment of sch 7 (Queensland Development Code)

Schedule 7, under heading ‘Special buildings and structures’, after entry for 3.7—

insert—

3.8 published 9 May 2023	Public cyclone shelters	4 August 2023
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5 Amendment of sch 10 (Dictionary)

Schedule 10—

insert—

public cyclone shelter, for part 9A, see section 78C.

public cyclone shelter compliance statement, for part 9A, see section 78B(1).

Part 3 Amendment of State Penalties Enforcement Regulation 2014

6 Regulation amended

This part amends the *State Penalties Enforcement Regulation 2014*.

7 Amendment of sch 1 (Infringement notice offences and fines for nominated laws)

Schedule 1, entry for *Building Regulation 2021*—

insert—

s 78D(1)

2

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ENDNOTES

- 1 Made by the Governor in Council on 3 August 2023.
- 2 Notified on the Queensland legislation website on 4 August 2023.
- 3 The administering agency is the Department of Energy and Public Works.

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