



Queensland

Building Amendment Bill 2005



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2005

A Bill

for

An Act to amend the *Building Act 1975*

The Parliament of Queensland enacts—		1
Clause 1	Short title	2
	This Act may be cited as the <i>Building Amendment Act 2005</i> .	3
Clause 2	Act amended	4
	This Act amends the <i>Building Act 1975</i> .	5
Clause 3	Replacement of s 12B (Meaning of <i>budget accommodation building</i>)	6 7
	Section 12B—	8
	<i>omit, insert—</i>	9
‘12B	Meaning of <i>budget accommodation building</i>	10
	‘(1) A <i>budget accommodation building</i> is a building that—	11
	(a) has bathroom or sanitary facilities, other than a laundry, shared by all or any of the occupants of the building; and	12 13
	(b) provides accommodation of a following type for 6 or more persons—	14 15
	(i) boarding house, backpacker or other hostel, guesthouse or similar type accommodation;	16 17
	(ii) bed and breakfast, farmstay or hotel accommodation;	18 19
	(iii) accommodation for persons who have an intellectual or physical disability and require full time or part time care.	20 21 22
	‘(2) However, each of the following is not a budget accommodation building—	23 24
	(a) a building used as a class 1a building or class 2 building;	25
	(b) a hotel that does not provide accommodation to paying guests;	26 27
	(c) a motel building in which individual beds can not be let;	28

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|------|---|----------------------|
| (d) | a building that can only be let as a whole; | 1 |
| (e) | a building— | 2 |
| (i) | in which an employer provides, under, or as an incident of, an employer-employee relationship, accommodation to persons other than backpackers or fruit-pickers; and | 3
4
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6 |
| (ii) | in which no one is accommodated other than— | 7 |
| | (A) a person provided accommodation as mentioned in subparagraph (i); or | 8
9 |
| | (B) the employer; or | 10 |
| | (C) the employer's spouse or other relatives; | 11 |
| (f) | a building that is, or forms part of— | 12 |
| (i) | a corrective services facility under the <i>Corrective Services Act 2000</i> ; or | 13
14 |
| (ii) | a detention centre under the <i>Juvenile Justice Act 1992</i> ; | 15
16 |
| (g) | a facility in which residential care under the <i>Aged Care Act 1997</i> (Cwlth) is provided by an approved provider under that Act; | 17
18
19 |
| (h) | a building— | 20 |
| (i) | that is, or is located within or is part of, an educational institution; or | 21
22 |
| (ii) | in which an educational institution provides accommodation only for its students; | 23
24 |
| (i) | a class 9a building, other than a building the primary use of which is to provide accommodation (rather than medical supervision) to persons with an intellectual or physical disability; | 25
26
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| (j) | a building used as a womens' refuge or shelter that is not used for any other type of accommodation; | 29
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| (k) | a building in which the only accommodation provided is to lifesavers; | 31
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- (l) a building in which the only accommodation provided is recreational accommodation for camps for school groups, girl guides, scouts or similar groups. 1
2
3
- ‘(3) In this section— 4
- bathroom or sanitary facilities***, for a building, means— 5
- (a) bathroom or sanitary facilities located in the building; or 6
- (b) bathroom or sanitary facilities located elsewhere that are used in relation to the occupation of the building. 7
8
- Example for paragraph (b)—* 9
- an outhouse used by occupants of the building 10
- class 1a building*** means a building that, under the 2004 edition of the BCA, part A3.2, is classified as a class 1a building.¹ 11
12
13
- class 2 building*** means a building that, under the 2004 edition of the BCA, part A3.2, is classified as a class 2 building.² 14
15

1 BCA (2004 edition), part A.3.2 (Classifications)—

‘**Class 1a**—a single dwelling being—

- (i) a detached house; or
- (ii) one or more attached dwellings, each being a building, separated by a *fire-resisting* wall, including a row house, terrace house, town house or villa unit; ...’

2 BCA (2004 edition), part A.3.2 (Classifications)—

‘**Class 2:** a building containing 2 or more sole-occupancy units each being a separate dwelling. ...’

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- class 9a building*** means a building that, under the 2004 edition of the BCA, part A3.2, is classified as a class 9a building.³
- educational institution*** means any of the following—
- (a) a State educational institution under the *Education (General Provisions) Act 1989*, section 2(1);
 - (b) a school that is provisionally accredited, or accredited, under the *Education (Accreditation of Non-State Schools) Act 2001*;
 - (c) a TAFE institute under the *Vocational Education, Training and Employment Act 2000*;
 - (d) a university.
- farmstay***, for accommodation, means accommodation at a farm for paying guests of the farm.’

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- 3 BCA (2004 edition), part A.3.2 (classifications)—
- ‘**Class 9a**—a *health-care building*; including those parts of the building set aside as a laboratory; ...’
- BCA (2004 edition), part A1.1 (Definitions)—
- ‘**Health-care building** means a building whose occupants or patients undergoing medical treatment generally need physical assistance to evacuate the building during an emergency and includes—
- (a) a public or private hospital; or
 - (b) a nursing home or similar facility for sick or disabled persons needing full-time care; or
 - (c) a clinic, day surgery or procedure unit where the effects of the predominant treatment administered involve patients becoming non-ambulatory and requiring supervised medical care on the premises for some time after the treatment.’