



Building Act 1975

Building Regulation 2006

Reprinted as in force on 1 September 2006

Reprint No. 1

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- omit provisions that are no longer required (s 40)
- correct minor errors (s 44)
- make all necessary consequential amendments (s 7(1)(k)).

This page is specific to this reprint. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in the reprint, including a table of corrected minor errors.**

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Queensland

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Building Regulation 2006*.

2 Commencement

This regulation commences immediately after the *Building and Other Legislation Amendment Act 2006*, section 5, commences.

3 Definitions

The dictionary in schedule 4 defines particular words used in this regulation.

Part 2 Self-assessable building work and building work that is exempt development

4 Prescribed building work for Act, s 21

For section 21(1)(a) of the Act, the prescribed building work is building work that—

- (a) is prescribed under schedule 1; and
- (b) is not exempt development for IPA, under section 22 of the Act.

Note—

The prescribing of the building work does not automatically make it self-assessable building work. See the additional requirements under section 21(1)(b) (Building work that is self-assessable for IPA) of the Act.

5 Building work that is exempt development for IPA—Act, s 22

For section 22 of the Act, the prescribed building work is the building work prescribed under schedule 2.

Part 3 Prescribed matters or aspects for local laws or planning schemes

Division 1 Preliminary

6 Operation of pt 3

This part prescribes, for section 32 of the Act—

- (a) matters that a local planning instrument may designate for the BCA or QDC; and
- (b) aspects of, or matters related or incidental to, building work that a local government makes or amends in a local law, planning scheme or resolution.

Notes—

- 1 A provision of a local law, planning scheme or a resolution about a prescribed aspect is a *building assessment provision*. See section 30(1)(d) of the Act.
- 2 Under IPA, section 5.7.2, the local government must make the maps provided for under this part and its register under section 13(3) available for public inspection and purchase.

Division 2 Designated rainwater tank areas

7 Designation by local planning instrument of rainwater tank area

- (1) Subject to section 8, a local government may, in a local planning instrument, designate all or part of its area as a rainwater tank area for QDC, part 25 (a *designated rainwater tank area*).
- (2) The local planning instrument must state whether water from a rainwater tank installed as part of relevant building work in a designated rainwater tank area can be used—
 - (a) both—
 - (i) for a use external to the building; and
 - (ii) for a use, internal to the building, that is the flushing of each toilet and the use of a cold water tap for each washing machine; or
 - (b) for a use external to the building only.

Example of a use external to a building—
watering grassed areas using a garden hose
- (3) The local government must ensure its planning scheme maps show each of its designated rainwater tank areas.
- (4) The maps must state when each designation was made.

8 Justification for designating rainwater tank areas

A local government may designate all or part of its area as a rainwater tank area under section 7(1) only if the local government decides that the installation of rainwater tanks for relevant building work in the area is justified, taking into account the costs and benefits to the community.

9 Guidelines for justifying designation of rainwater tank areas

- (1) The chief executive may approve guidelines to help a local government make a decision under section 8.

- (2) A local government must have regard to the guidelines, if any, in making the decision.

Division 3 Other prescribed matters and aspects

10 Planning scheme provisions about particular performance criteria under QDC part 11 or QDC part 12

- (1) This section applies for building work (*relevant work*) for a single detached class 1 building or a class 10 building or structure located on the same allotment as a single detached class 1 building.
- (2) A local government planning scheme—
- (a) may provide that all or some of performance criteria 4, 5, 7, 8 or 9 under QDC part 11 or QDC part 12 and the relevant acceptable solutions under the part for the performance criteria apply for relevant work; or
- (b) may, for relevant work, provide for qualitative statements for matters provided for under all or some of the performance criteria if the scheme also provides for quantifiable standards for the statements.
- (3) In this section—

QDC part 11 means part 11 of the document called ‘Queensland Development Code’, which part was published by the department on its website on 1 March 2006.

QDC part 12 means part 12 of the document called ‘Queensland Development Code’, which part was published by the department on its website on 1 March 2006.

qualitative statement means a statement about a performance or outcome sought to be achieved when buildings or structures for relevant work are completed.

quantifiable standard means a standard that achieves a performance or outcome sought under a qualitative statement.

11 Swimming pool construction

- (1) A local law may require—
 - (a) the construction of fencing around swimming pools; or
 - (b) doors, windows and other openings giving access to swimming pools to comply with the local law.
- (2) However—
 - (a) the requirement can not allow the construction of fencing around outdoor swimming pools on residential land to a standard less effective than the standard under section 235 of the Act; and
 - (b) the local law has effect only if it can reasonably be characterised as being directed to inhibiting young children from accessing swimming pools.

12 Designation by local planning instrument of bush fire prone areas for the BCA

- (1) A local government may, in a local planning instrument, designate all or part of its area as a designated bush fire prone area for the BCA.
- (2) On the making of the designation, the provisions of the BCA that apply to a designated bushfire prone area apply for any building assessment work that relates to the area.

Note—

For the relevant BCA provisions, see the BCA, parts 3.7.4.

- (3) The local government must, if it is practicable to do so, ensure its planning scheme maps show each of its designated bush fire prone areas.
- (4) If it is not practicable for the local government to show each of the areas in its planning scheme maps, it must—
 - (a) prepare maps showing the areas; and
 - (b) ensure the maps are updated from time to time to show its current designated bush fire prone areas.
- (5) The maps must state when each designation was made.

13 Land liable to flooding

- (1) A local government may, in a planning scheme or by a temporary local planning instrument under IPA or a resolution—
 - (a) designate part of its area as a natural hazard management area (flood); and
 - (b) declare the level to which the floor levels of habitable rooms as defined under the BCA of buildings on the land must be built.
- (2) The local government must, in designating a natural hazard management area (flood), comply with ‘State Planning Policy 1/03 Mitigating the Adverse Impacts of Flood, Bushfire and Landslide’, adopted by the Minister on 19 May 2003.
- (3) The local government must keep a register of the natural hazard management areas (flood) it designates and when each designation was made.

Part 4 Swimming pool fencing**14 Fencing standards for outdoor swimming pools constructed on or after 1 October 2003—Act, s 233**

- (1) For section 233(1)(b) of the Act, the standards prescribed for an outdoor swimming pool on residential land are—
 - (a) the standard for the design, building and performance of swimming pool fencing in AS 1926.1—1993, ‘Swimming pool safety part 1: Fencing for swimming pools’, other than clause 2.14 of the standard; and
 - (b) the standard for the location of fencing contained in AS 1926.2—1995, ‘Swimming pool safety part 2: Location of fencing for private swimming pools’, other than clause 1.4.4 of the standard.
- (2) However, the standards prescribed do not include clauses 2.3, 2.6 and 2.7 of the standard mentioned in subsection (1)(a) for any part of the fencing of the pool if—

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- (a) the inside of that part of the fencing is at least 1.8m high above ground level; and
- (b) the surface on which that part of the fencing is built is difficult for a young child to dig through or under to gain access to the pool; and

Examples of surfaces that are difficult for a young child to dig through or under—

surfaces that consists of concrete, gravel, lawn or pavers

- (c) there is a clear span, measured as a radius, of at least 900mm at all angles from the top of that part of the fencing to—
 - (i) anything that projects from the ground on the inside of the fencing; and
 - (ii) any part of the inside of the fencing that has a horizontal, or substantially horizontal, surface and is more than 10mm deep or wide; and

Examples of what may be a part of the inside of the fencing—

a bracing, rail, rod or wire and an indentation into or projection from the surface of the inside of the fencing

- (iii) the top of any other part of the fencing if the top is more than 50mm wide; and
- (d) if that part of the fencing is made of perforated materials or mesh, the apertures in the perforated materials or mesh are not more than 13mm.

- (3) In this section—

inside, of the fencing, means the side of the fencing of the pool that faces the pool.

15 Resuscitation sign requirements and display—Act, s 236

- (1) This section prescribes, for section 236(2) of the Act—
 - (a) the way a resuscitation sign for an outdoor swimming pool on residential land must be displayed; and
 - (b) the requirements for the sign.
- (2) The sign must—

- (a) be attached to the fencing for the pool, or displayed near the pool, so that the sign is conspicuous and easily visible to any one 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 any one 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) at least show enough information about the procedures for providing first aid to enable any one reading the sign to perform expired air resuscitation or cardiopulmonary resuscitation on an infant or young child.
- (3) Each diagram or letter on the sign must be durable, legible and clearly visible.

16 Warning sign requirements and display—Act, s 238

- (1) This section prescribes, for section 238(2)(a) of the Act—
- (a) the way a warning sign must be displayed on residential land before the construction of an outdoor swimming pool on the land; and
 - (b) the requirements for the sign.
- (2) The sign must—
- (a) warn members of the public in the vicinity of the land that—
 - (i) a swimming pool is under construction on the land; and
 - (ii) there is a potential danger to young children accessing the land; and

Example of what sign must state—

‘Danger. Swimming pool under construction. Keep children out.’

- (b) subject to subsection (4), be placed on, or within 1.5m of, the road frontage for the land; and
 - (c) be mounted so that the bottom of the sign is at least 300mm above ground level; and
 - (d) be positioned so that it is visible from the road; and
 - (e) be made of weatherproof material.
- (3) Any lettering on the sign that relates to the warning mentioned in subsection (2)(a) must be at least 50mm in height and in a bold style.
- (4) If the land has more than 1 road frontage, a sign need only be placed on 1 of the frontages.
- (5) The sign may include a reference to a matter other than the warning mentioned in subsection (2)(a).
- (6) In this section—

road frontage, for land, means—

- (a) if the only access to the land is across other land—the boundary between the other land and any road adjoining the other land at the point of access; or
- (b) otherwise—the boundary between the land and any road adjoining the land.

Part 5 Competent persons

Division 1 General provisions about competent persons

17 Appointment and functions

- (1) Subject to section 18, a building certifier may decide an individual—

- (a) is, or has from a particular day been, competent to perform functions that help (*design/specification help*) the certifier perform building certifying functions for building design or specification; or
 - (b) is, from the making of the decision, competent to perform functions that help (*inspection help*) the certifier perform building certifying functions for the inspection of assessable building work.
- (2) The decision may be that the individual may give the building certifier—
- (a) design/specification help or inspection help generally; or
 - (b) help limited to a particular aspect of design/specification help or inspection help; or
 - (c) design/specification help or inspection help only for particular assessable building work.
- (3) An individual the subject of a decision under subsection (1) is a *competent person*.
- (4) A competent person decided under subsection (1)(a) is a *competent person (design/specification)*.
- (5) A competent person decided under subsection (1)(b) is a *competent person (inspections)*.
- (6) A person may be decided to be a competent person (design/specification) and a competent person (inspections) at the same time or for the same matter.

18 Restrictions on deciding competency

- (1) A building certifier may decide an individual is a competent person to give design/specification help or inspection help only under subsections (2) to (4).
- (2) If, under a relevant law, the individual must be licensed or registered to be able to give the help—
- (a) the individual must be so licensed or registered; and

Example—

The help the subject of the decision is considering whether the design of a building is structurally adequate. The registration required is registration under the *Professional Engineers Act 2002* as a civil engineer for structural matters.

- (b) the building certifier must assess the individual to be competent to be able to give the help, having regard to the individual's experience, qualifications and skills for the matter.
- (3) If no relevant law requires the individual to be licensed or registered to be able to give the help, the building certifier must assess the individual as having appropriate experience, qualifications or skills to be able to give the help.

Example—

The help the subject of the decision is assessing whether a building complies with the performance requirements for energy efficiency under the BCA, part 3.12. An individual with the skills to carry out appropriate computer modelling for the assessment has appropriate skills to give the help.

- (4) If the chief executive approves guidelines for making an assessment under this section, the assessment must comply with the guidelines.
- (5) In this section—

relevant law means a law applying in the State that is relevant to practising in the matter the subject of the help.

19 Building certifier's obligation to keep record of decision about competency

If, under this part, a building certifier decides an individual is a competent person, the certifier must, for at least 5 years after the day the decision was made (the ***decision day***), keep a record stating each of the following—

- (a) the person;
- (b) the matters for which the person was decided to be a competent person;
- (c) the decision day;

- (d) if, under section 17(1)(a), the individual was decided to be a competent person (design/specification) from a particular day (the **competency day**) that was before the decision day—the competency day;
- (e) details of the documents or information relied on by the certifier to make the decision;
- (f) the certifier's reasons for the decision.

Maximum penalty—20 penalty units.

Division 2 Restrictions on functions competent persons may perform

20 General restrictions

- (1) Only a competent person (design/specification) may give design/specification help.
- (2) Only a competent person (inspections) may give inspection help.

21 Restriction on signing inspection certificate for single detached class 1a or a class 10 building

- (1) This section applies for assessable building work for a single detached class 1a building or a class 10 building or structure.
- (2) Unless a competent person is a building certifier, the person can not sign a certificate of inspection for—
 - (a) the stage of the work that is after excavation of foundation material and before any footings for the building or structure are laid; or
 - (b) the final stage of the work.
- (3) Subsection (2) does not stop a competent person (inspections) who is not a building certifier from giving other inspection help for a stage mentioned in subsection (2) if the building certifier has, under section 17, decided the person can give the help.

22 Restrictions on giving inspection help

- (1) This section applies to assessable building work for a building of any class.
- (2) A competent person can only give inspection help if the building certifier has already decided the person is a competent person (inspections) for the work.
- (3) A competent person (inspections) can not sign a certificate of inspection for a stage of the building work if the person—
 - (a) is the builder for the work; or
 - (b) has carried out building work for any aspect of the stage.
- (4) Subsection (3) does not stop the person giving a certificate under part 7 for the work if, under that part, the person can give the certificate.

23 Competent person must not give false or misleading documents

A competent person must not, in giving design/specification help or inspection help, give the building certifier a certificate or other document containing information the person knows is false or misleading in a material particular.

Maximum penalty—20 penalty units.

Part 6 Inspections of assessable building work

Division 1 Inspections by or for building certifier

Subdivision 1 Preliminary

24 What is a *stage of assessable building work*

- (1) This section provides for what are the stages of assessable building work.
- (2) Generally, the stages are all stages at which the building development approval states the work must be inspected.
- (3) If the work is the construction of a single detached class 1a building, the stages also include—
 - (a) after excavation of foundation material and before the footings for the building are laid; and
 - (b) if the building is to have a slab—after the placement of formwork and steel for the slab but before the concrete for the slab is poured; and
 - (c) to the extent the bracing for the frame of the building consists of cladding or lining—after the cladding or lining has been fixed to the frame; and
 - (d) to the extent the bracing for the frame of the building does not consist of cladding or lining—before the cladding or lining is fixed to the frame; and
 - (e) if reinforced masonry construction is used for the frame of the building—before the wall cavities are filled; and
 - (f) at the completion of all aspects of the work.
- (4) If the work is an alteration to a single detached class 1a building, the stages also include each stage mentioned in subsection (3) that is relevant to the alteration.

- (5) If the work is the construction of, or an alteration to, a class 10 building or structure, other than a swimming pool, the stages also include at the completion of the building or structure or the alteration.
- (6) If the work is the construction of, or an alteration to, a swimming pool, the stages also include at the completion of the pool and its fencing and before the pool is filled with water to a depth of 300mm or more.

25 Local government's power to exempt particular assessable building work from particular stages of inspection

- (1) A local government may, by resolution, declare localities and forms of buildings or structures in its area exempt from inspection at a stage of assessable building work if the work—
 - (a) is, or is an alteration to, a single detached class 1a building or a class 10 building or structure; and
 - (b) is not for a swimming pool or fencing around it.
- (2) However, the resolution may be made only if the local government is satisfied the absence of a notice for inspection for the stage will not adversely affect public safety.

26 Inspection guidelines

- (1) This section applies if, under section 258 of the Act, the chief executive makes guidelines (*inspection guidelines*) about—
 - (a) what aspects or items make up the completion of assessable building work or a particular stage of assessable building work; and
 - (b) ways of inspecting building work.
- (2) For section 24, the guidelines are evidence of what aspects or items make up the completion of assessable building work or particular stages of assessable building work.
- (3) A person inspecting and certifying aspects of assessable building work is taken to have complied with this part if the person inspects and certifies the work as required under the inspection guidelines.

Subdivision 2 Notice for inspection

27 Builder's obligation to give notice for inspection at completion of each stage

- (1) This section applies to a builder for assessable building work if it has been carried out to the completion of a stage of the work, other than a stage exempted under section 25.
- (2) The builder must ensure the building certifier is given a notice (a *notice for inspection*) claiming the stage has been completed.

Maximum penalty—20 penalty units.

- (3) The notice for inspection may be written or verbal.
- (4) If the building certifier is a local government building certifier, the notice for inspection may be given to the certifier by giving it in writing to the local government.

28 Prohibition on further building work until stage complies

- (1) This section applies if a builder for assessable building work has given a notice for inspection for a stage of the work (the *relevant stage*).
- (2) The builder must not start the next stage of the work until the builder has been given a certificate of inspection for the relevant stage stating that stage complies with the building development approval.

Maximum penalty—20 penalty units.

29 Notifying BSA if notice for inspection not given

If—

- (a) the builder for assessable building work is a licensed builder; and
- (b) the builder does not give a notice for inspection for a stage of the work, as required under section 27;

the building certifier must, as soon as practicable after becoming aware of the failure to give the notice for inspection, give BSA a notice stating that fact.

Subdivision 3 Carrying out inspection

30 Arranging inspection

- (1) This section applies if the building certifier for assessable building work (the *relevant certifier*) receives a notice for inspection for a stage of the work.
- (2) The relevant certifier must ensure the stage is, at a time agreed by the builder for the work, inspected by one of the following persons (the *inspecting person*)—
 - (a) generally—the relevant certifier or another building certifier;
 - (b) if section 21 does not prevent a competent person from giving a certificate of inspection for the stage—a competent person (inspections) whom the relevant certifier has decided may carry out the inspection.

Maximum penalty—20 penalty units.

- (3) For subsection (2), the inspecting person must not unreasonably refuse to agree to a time to inspect the stage.

31 Inspection procedure

- (1) This section applies if, under section 30, the inspecting person inspects a stage of assessable building work.
- (2) The inspecting person must inspect the work to ensure the person is satisfied all relevant aspects of the stage under the building development approval have been completed and comply with the approval.
- (3) The inspection must be carried out under best industry practice.

32 Certificate of inspection

- (1) This section applies only if—
 - (a) the inspecting person has complied with section 31 for a stage of assessable building work; and
 - (b) is satisfied as mentioned in section 31(2) in relation to the stage.
- (2) The inspecting person must give the builder for the work a certificate of inspection for the stage.

Notes—

- 1 If the stage is the final stage, 2 certificates must be given—the certificate of inspection for the final stage and, if particular requirements under the Act are complied with, a final inspection certificate to the owner of the building.
 - 2 For final inspection certificates and the giving of inspection documentation see chapter 5, part 1 and section 124 of the Act.
- (3) The certificate of inspection must—
 - (a) be in the approved form; and
 - (b) be signed by the inspecting person; and
 - (c) state in detail—
 - (i) the basis for giving the certificate; and
 - (ii) the extent to which the inspecting person has, in carrying out the inspection, relied on tests, specifications, rules, standards, codes of practice or other publications.

33 Noncompliance notice

- (1) This section applies if—
 - (a) the inspecting person has complied with section 31 for a stage of assessable building work; and
 - (b) is not satisfied as mentioned in section 31(2) in relation to the stage.
- (2) The inspecting person must give the builder for the work a notice (a ***noncompliance notice***) stating—

- (a) the stage does not comply with the building development approval; and
 - (b) how it does not comply with the approval.
- (3) If the inspecting person is a competent person (inspections), the person must also give the building certifier a copy of the the noncompliance notice.

Subdivision 4 Procedure if noncompliance notice given

34 Builder's obligation to ensure stage complies with development approval

If a builder for assessable building work is given a noncompliance notice—

- (a) the builder must perform the work required to ensure the stage the subject of the notice complies with the building development approval; and
- (b) after paragraph (a) has been complied with, the builder must, under section 27, give the building certifier another notice for inspection for the work.

Note—

For the relevant appeal right, see IPA, section 4.2.12A.

35 Consequences of builder not complying with obligation

- (1) If a builder for assessable building work does not comply with section 34, the building certifier must, under chapter 9 of the Act, take enforcement action against the builder for the work.
- (2) However, if the noncompliance notice was given by a competent person (inspections), the building certifier need only take the enforcement action if the certifier agrees the stage the subject of the notice does not comply with the building development approval.
- (3) If, under subsection (2), the building certifier decides not to take the enforcement action, the certifier must give—

- (a) the competent person written reasons for not taking the action; and
 - (b) the builder a certificate of inspection for the stage.
- (4) If the building certifier gives the builder an enforcement notice and the builder does not comply with it, the certifier must notify the following of that fact—
- (a) the BSA;
 - (b) if the assessment manager was a private certifier (class A)—the local government.

Subdivision 5 Miscellaneous provision

36 Declaratory provision about inspections

- (1) To remove any doubt, it is declared that the giving of a notice under this division about a stage of assessable building work does not, of itself, prevent any of the following from inspecting any aspect of another stage of the work—
- (a) the building certifier for the work (the *relevant certifier*);
 - (b) another building certifier;
 - (c) a competent person (inspections) whom the relevant certifier has decided may carry out the inspection.
- (2) Subsection (1) applies whether or not a notice for inspection has been given for the other stage.

Division 2 Referral agency Inspections

37 Application of div 2

This division applies if—

- (a) an entity was, for a building development application, a referral agency for aspects of the building work (the *referral agency aspects*); and

- (b) the building development approval applied for is granted; and
- (c) a condition of the approval requires the builder for the work to give the agency a notice to inspect it to check the referral agency aspects comply with the approval.

Note—

For the condition allowing QFRS to inspect and test special fire service installation, see section 74 of the Act.

38 Notice to referral agency to inspect

- (1) This section does not apply if the condition is imposed under section 74 of the Act.
- (2) The builder must—
 - (a) give the referral agency a notice to inspect the building work when, under the building development approval, the referral agency aspects are at a stage at which they must be inspected by the agency; and
 - (b) give a copy of the notice to the building certifier when it is given to the referral agency.

39 Referral agency inspection

- (1) This section applies if the referral agency receives a notice under section 38.
- (2) The agency may inspect the building work to check the referral agency aspects comply with the building development approval.
- (3) The agency must—
 - (a) within 5 business days after receiving the notice to inspect, give the builder and the building certifier a notice stating it does not propose to inspect the building work; or
 - (b) within 15 business days after receiving the notice to inspect, inspect the work 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.
- (4) If the building certifier is a local government building certifier, a notice under subsection (3) may be given to the certifier by giving it in writing to the local government.

40 Acting on referral agency's inspection notice

- (1) The building certifier must, in performing functions under the Act for the building work, accept and act on a notice given under section 39(3)(b).
- (2) However, subsection (1) does not apply if, within 5 business days after the building certifier receives the notice, the certifier—
 - (a) decides to disagree with the decision the subject of the notice; and
 - (b) gives the referral agency an information notice about the decision.

Note—

For the relevant appeal right, see IPA, section 4.2.12A.

41 Consequence of no referral agency notice

If the referral agency does not comply with section 39(3) within the following period, the referral agency aspects are taken to comply with the building development approval—

- (a) 15 business days after the agency receives the notice to inspect;
- (b) any longer period agreed to between the agency and the building certifier within the 15 business days.

Part 7 General provisions about certificates

Division 1 QBSA licensee certificates

42 Application of div 1

- (1) This division applies if—
- (a) building work is for a single detached class 1a building or a class 10 building or structure; and
 - (b) work (the *aspect work*) is carried out for an aspect of the building work; and
Example of aspect work—
waterproofing
 - (c) either—
 - (i) the aspect work is carried out by a person (the *QBSA licensee*) who, when it was carried out, held a licence of an appropriate class under the QBSA Regulation for the aspect work; or
Example of a licence of an appropriate class—
for waterproofing—a waterproofing licence
 - (ii) under the QBSA Regulation, a person (also the *QBSA licensee*) other than the person mentioned in subparagraph (i) may give a QBSA licensee certificate for the aspect work.
- (2) However this division does not apply if, when the aspect work was carried out—
- (a) there was more than 1 class of licence under the QBSA Regulation under which the aspect work may be carried out; and
 - (b) under the QBSA Regulation, schedule 2, only a licence (a *certification licence*) of 1 or some of the classes allows the QBSA licensee to give a QBSA licensee certificate for the aspect work; and

(c) the QBSA licensee does not hold a certification licence for the work.

(3) In this section—

QBSA Regulation means the *Queensland Building Services Authority Regulation 2003*.

waterproofing means work mentioned in the QBSA Regulation, schedule 2, part 56, section 2.

waterproofing licence a licence under the QBSA Regulation, schedule 2, part 56.

43 QBSA licensee certificate if building development approval

If the building work is subject to a building development approval, the QBSA licensee may give the building certifier a certificate in the approved form that the aspect work complies with the approval.

Note—

For when a building certifier or competent person may accept and rely on the certificate, see sections 49 and 50.

44 QBSA licensee certificate for self-assessable building work

(1) This section applies if the building work—

- (a) is building work prescribed under schedule 1; and
- (b) is not subject to a building development approval.

(2) The QBSA licensee may give the builder for the building work or the owner of the building a certificate in the approved form that the aspect work complies under section 21(1)(b) of the Act.

(3) A certificate under subsection (2) is evidence that the building work is self-assessable building work.

45 QBSA licensee must not give false or misleading certificate

The QBSA licensee must not give a QBSA licensee certificate that the licensee knows is false or misleading in a material particular.

Maximum penalty—20 penalty units.

Division 2 Competent person certificates other than certificates of inspection**46 Certificate about building design or specification**

- (1) A competent person (design/specification) may give the building certifier a certificate that a building design or specification will, if installed or carried out under the certificate, comply with the building assessment provisions.
- (2) The certificate must comply with section 48.

47 Aspect inspection certificate

- (1) A competent person (inspections) for assessable building work may give the building certifier a certificate that a stated aspect of the work complies with the building development approval.
- (2) The certificate must comply with section 48.

48 Content requirements for certificates

A certificate by a competent person must—

- (a) be in the approved form; and
- (b) be signed by the competent person; and
- (c) state in detail—
 - (i) the basis for giving the certificate; and
 - (ii) the extent to which the person has relied on tests, specifications, rules, standards, codes of practice or other publications.

Division 3 Accepting certificates

49 Optional acceptability by building certifier

- (1) A building certifier may, in performing functions under the Act for a building development application or assessable building work, accept and, without further checking, rely on a certificate from a competent person if—
 - (a) the certifier has, under part 5, decided the person is a competent person of a type relevant to the functions; and
 - (b) if the person was decided to be a competent person only for a particular aspect of the decided type—the certificate relates to the aspect; and
 - (c) if the person was decided to be a competent person only for particular assessable building work—the certificate relates to the building work; and
 - (d) the person was, under part 5 and this part, permitted to give the certificate; and
 - (e) the certificate complies with section 48.
- (2) A building certifier may, in performing functions under the Act for assessable building work, accept and, without further checking, rely on a QBSA licensee certificate given under section 43 if the certificate relates to the work.

50 Optional acceptability by competent person (inspections)

- (1) This section applies to a competent person (inspections) who is giving a building certifier inspection help for assessable building work.
- (2) The competent person may accept and, without further checking, rely on a certificate from another competent person if—
 - (a) the building certifier has, under part 5, decided the other competent person is a competent person of a type relevant to the inspection help; and

- (b) if the other competent person was decided to be a competent person only for a particular aspect of the decided type—the certificate relates to the aspect; and
 - (c) if the other competent person was decided to be a competent person only for particular assessable building work—the certificate relates to the building work; and
 - (d) the person was, under part 5 and this part, permitted to give the certificate; and
 - (e) the certificate complies with section 48.
- (3) The competent person may accept and, without further checking, rely on a QBSA licensee certificate given under section 43 if the certificate relates to the work.

Division 4 Certificates under CodeMark Scheme

51 Certificate of conformity

- (1) If there is a current recognised certificate about a building element, the element is, to the extent stated in the certificate, taken to comply with the BCA.
- (2) In this section—

building element means the properties and performance of a material, system, method of building or other thing relating to building work.

recognised certificate means a certificate of conformity issued by the Australian Building Codes Board or under the scheme known as the CodeMark Scheme administered by the Australian Building Codes Board.

- (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 item 1 for the claim.
- (4) For section 163(2) of the Act, the prescribed course is the course called 'Issuing development permits for building work', conducted by Mackee and Associates Pty Ltd, trading as AssentTECHS.

53 Information to be supplied by the State—Act, s 255

- (1) The information prescribed for section 255 of the Act is—
 - (a) a 1:100 scale drawing of the building or structure showing floor plans and elevations; and
 - (b) a site plan of a scale enabling the local government to provide water supply, sewerage and stormwater drainage for the land on which the building work is to be carried out.
- (2) However, if the Minister responsible for the building work to which this section applies considers the giving of the information mentioned in subsection (1)(a) is not in the public interest, subsection (1)(a) does not apply.

Division 2 Fees

54 Fees

- (1) The fees payable under the Act are in schedule 3.
- (2) The fee (the *fast-track fee*) accompanying a request, under section 39 of the Act, to fast-track a decision for a variation application is in addition to the fee payable for the application.
- (3) If the chief executive refuses a request to fast-track the decision, the chief executive must refund the fast-track fee to the applicant.

Division 3 Transitional provisions

55 Definition for div 3

In this division—

repealed regulation means the repealed *Standard Building Regulation 1993*.

56 Undecided building development applications

- (1) This section applies if, immediately before 1 September 2006—
 - (a) a building development application had not been decided; and
 - (b) the application is a properly made application.
- (2) The application must be decided as if the repealed regulation had not been repealed and this regulation were not in force.

Note—

Section 278 of the Act makes a corresponding provision for amendments made under the related *Building and Other Legislation Amendment Act 2006*.

57 Development applications made for relevant building work before designation of rainwater tank area

- (1) This section applies if—
 - (a) before a designation, under this regulation or the repealed regulation, by a local government of a designated rainwater tank area a building development application was made for relevant building work in the area; and
 - (b) immediately before the designation, the application had not been decided.
- (2) The application must be decided as if the designation had not been made.

58 Declarations under repealed regulation, s 53

On 1 September 2006—

- (a) a declaration under the repealed regulation, section 53(1)(a) becomes a designation under section 13(1)(a) of this regulation; and
- (b) a declaration under the repealed regulation, section 53(1)(b) becomes a designation under section 13(1)(b) of this regulation.

Part 9 Repeals**59 Repeals**

The following are repealed—

- Standard Building Regulation 1993
- Building Regulation 2003 SL No. 175.

Schedule 1 Prescribed building work for Act, s 21

section 4

1 Work for particular fences

Building work for a fence is prescribed if the fence—

- (a) is no higher than 2m above the fence's natural ground surface; and
- (b) is not a for a swimming pool to which chapter 8 of the Act applies.

2 Work for particular non-load bearing devices

(1) This section applies to building work for any of the following devices if they are non-load bearing—

- (a) an aerial;
- (b) an antenna;
- (c) a satellite dish with a maximum diameter of 900mm;
- (d) a flagpole, mast or tower, outside areas covered by airport Obstacle Limitation Surfaces Standards (O.L.S.) of the Civil Aviation Safety Authority.

(2) The building work is prescribed if the device is no more than—

- (a) if the device is attached to a building or structure—3.5m above the building or structure; or
- (b) if the device is detached from any building or structure—10m above the device's natural ground surface.

3 Work for particular retaining walls

(1) Building work for a retaining wall is prescribed if—

Schedule 1 (continued)

- (a) there is no surcharge loading over the zone of influence for the wall; and
- (b) the total height of the wall and of the fill or cut retained by the wall is no more than 1m above the wall's natural ground surface; and
- (c) the wall is no closer than 1.5m to a building or another retaining wall.

(2) In this section—

surcharge loading means a load applied to a soil stratum that has, or may have, the effect of consolidating the stratum, other than a load arising only from—

- (a) persons or vehicles on, or moving over, the stratum; or
- (b) the effects of rain on the stratum.

Example of a surcharge loading—

a concrete driveway laid over the stratum

zone of influence, for the retaining wall, means the volume of soil stratum behind the wall that affects the wall's structural integrity.

4 Particular filling or excavation

Filling or excavation is prescribed if—

- (a) the proposed cut or fill is no deeper than 1m above or below the natural ground surface for the relevant building or structure; and
- (b) any cut embankment is only into soil of a following type and no steeper than gradient stated for the soil type—
 - (i) for sand—2 horizontal to 1 vertical;
 - (ii) for silt—4 horizontal to 1 vertical;
 - (iii) for firm clay—1 horizontal to 1 vertical;
 - (iv) for soft clay—3 horizontal to 2 vertical; and
- (c) any fill embankment is no steeper than 4.0 horizontal to 1.0 vertical; and

Schedule 1 (continued)

- (d) any compacted fill embankment is only into soil of a following type and no steeper than gradient stated for the soil type—
 - (i) for sand—3 horizontal to 2 vertical;
 - (ii) for silt—4 horizontal to 1 vertical;
 - (iii) for firm clay—2 horizontal to 1 vertical.

5 Work for particular heating devices

Building work is prescribed if it consists of the installation, repair, maintenance or alteration of a heating device for a building, other than a heating device that is an integral part of, or abuts, the building.

Example—

a free-standing pot belly stove or other combustion heater, the chimney of which passes through the building's ceiling and roof space

6 Work for particular signs

Building work is prescribed if it consists of the erection of a sign that is—

- (a) detached from a building; and
- (b) no higher than 2m; and
- (c) no wider than 1.2m.

7 Particular repairs, maintenance or alterations not affecting structural component or fire safety system

Building work that consists of repairs, maintenance or alterations to an existing building or structure is prescribed if they do not—

- (a) change the building or structure's floor area or height; and
- (b) affect a structural component or the fire safety system of the building or structure.

Schedule 1 (continued)

8 Particular repairs, maintenance or alterations only affecting minor structural component

- (1) This section applies to building work that consists of repairs, maintenance or alterations to an existing building if they—
 - (a) do not change the building or structure's floor area or height; and
 - (b) are for, or only affect, a minor structural component of the building.
- (2) The building work is prescribed if—
 - (a) the work does not affect more than 20% of the building's structural components of the same type; or
 - (b) if the work is carried out on a sole-occupancy unit in the building—the work and other building work of the same type carried out on the unit in the previous 3 years does not affect more than the lesser of the following—
 - (i) 20% of the unit's gross floor area;
 - (ii) 40m² of the unit's floor area; or
 - (c) if the building consists of stories and the work is not carried out on a sole-occupancy unit—the work and other building work of the same type carried out on the same storey in the previous 3 years does not affect more than the lesser of the following—
 - (i) 20% of the storey's gross floor area;
 - (ii) 40m² of the storey's floor area.
- (3) For subsection (1)(b), a structural component is minor only if—
 - (a) the component is—
 - (i) a roof beam or lintel supporting no more than 5m² of roof area; or
 - (ii) a sun hood or sun blind projecting no more than 1m from the building; or
 - (b) if the work is repairing or maintaining the component—were it not present in the building, the

Schedule 1 (continued)

building's general safety and structural integrity would not be at risk; or

Examples—

- replacing a verandah post
 - replacing a metal connector or bracing member
- (c) if the work is adding the component to the building—the addition does not pose a risk to the building's general safety and structural integrity.
- (4) In this section—

building includes structure.

gross floor area, of a sole-occupancy unit or storey, means the total area of—

- (a) all parts of the unit or storey within its external walls; and
- (b) any other roofed part of the unit or storey.

Example for paragraph (b)—

a roofed balcony

9 Particular repairs, maintenance or alterations only affecting minor component of fire safety system

- (1) This section applies to building work that consists of repairs, maintenance or alterations to an existing building if they—
- (a) do not change the building's floor area or height; and
 - (b) only affect a minor component of the building's fire safety system.
- (2) The building work is prescribed if the work—
- (a) only affects a minor component of the system; and
 - (b) does not affect more than 20% of the system's components of the same type.
- (3) For subsection (2)(a), a component is minor only if, were it not present in the fire safety system, the safety of occupants of the building would not be compromised.

Schedule 1 (continued)

Examples of a minor component of a fire safety system—

- a sprinkler head
- a smoke alarm

(4) In this section—

building includes structure.

10 Work for particular budget accommodation buildings built, approved or applied for before 1 January 1992

(1) Building work is prescribed if it consists of the installation of any of the following for a budget accommodation building to which chapter 7, part 3 of the Act applies—

- (a) smoke alarms;
- (b) a smoke detection system unless—
 - (i) the system is a 1670 system; and
 - (ii) the fire safety standard requires the installation of a 1670 system in the building;
- (c) internally illuminated exit signs;
- (d) fire extinguishers.

(2) Subsection (1) applies despite section 9 of this schedule.

(3) In this section—

1670 system means a fire safety system to which AS 1670.1-1995 applies.

11 Work for particular temporary things on building sites

Building work is prescribed if it is for a temporary site office, gantry or scaffolding on a building site.

12 Erecting particular tents

Building work is prescribed if it consists of erecting a tent if the tent's floor area is no more than 500m².

Schedule 1 (continued)

13 Other work for class 10 buildings or structures

- (1) This section applies to building work for a class 10 building or structure (the *class 10*), unless the building work is—
- (a) within Wind Region C (tropical cyclone area) mentioned in AS 1170.2 SAA Wind Loading Code; or
 - (b) for a rainwater tank for building relevant building work in a designated rainwater tank area; or
 - (c) for a deck that is roofed or higher than 1m above the deck's natural ground surface.

Editor's note—

BCA (2006 edition), part A3.2 (Classifications)—

Class 10: A non-habitable building or structure—

- (a) **Class 10a**—a non-habitable building being a *private garage*, carport, shed or the like; or
 - (b) **Class 10b**—a structure being a fence, mast, antenna, retaining or free-standing wall, *swimming pool* or the like.
- (2) The building work is prescribed if—
- (a) the plan area of the class 10 is no more than 10m²; and
 - (b) the class 10 has, above its natural ground surface—
 - (i) a height of no more than 2.4m; and
 - (ii) a mean height of no more than 2.1m, worked out by dividing its total elevational area facing the boundary by its horizontal length facing the boundary; and
 - (c) any side of the class 10 is no longer than 5m.
- (3) Despite subsection (2), the building work is not prescribed if—
- (a) another section of this schedule applies to the work; and
 - (b) the work does not comply the requirements under the other section for it to be prescribed.
- (4) In this section—

plan area, of the class 10, means the area contained within its extremities after the building work has been completed,

Schedule 1 (continued)

including, overhangs and, if the class 10 is existing, its existing area.

Schedule 2 **Building work prescribed as exempt development for IPA**

section 5

1 Work for particular class 10b structures or special structures

Building work for a class 10b structure or special structure is prescribed if—

- (a) the structure is not—
 - (i) a fence; or
 - (ii) a retaining wall; or
 - (iii) a free standing wall; or
 - (iv) a swimming pool; and
- (b) the structure is no higher than 3m above its natural ground surface.

Examples—

playground and sporting equipment, garden furniture, temporary market stalls, minor plant and equipment covers that are no more than 3m above their natural ground surface

2 Attaching particular sun hoods

Attaching a sun hood to an existing building is prescribed if the sun hood's area is less than 2m².

3 Erecting particular tents

Erecting a tent is prescribed if the tent's floor area is no more than 100m².

4 Other work for class 10 buildings or structures

- (1) Building work for a class 10 building or structure (the *class 10*) is prescribed if—

Schedule 2 (continued)

- (a) the work is not building work to which another section of this schedule applies; and
 - (b) the class 10 is on land used for agricultural, floricultural, horticultural or pastoral purposes; and
 - (c) no part of the class 10 is within 200m of a road or a boundary of the land on which the class 10 is situated.
- (2) Despite subsection (1), the building work is not prescribed if—
- (a) another section of this schedule applies to the work; and
 - (b) the work does not comply with the requirements under the other section for it to be prescribed.

Schedule 3 Fees

section 54

\$

1	For variation application (Act, s 38)—	
	(a) if a site inspection by the chief executive is not required and the building has a floor area of—	
	(i) 500m ² or less	379.00
	(ii) more than 500m ²	548.00
	(b) if a site inspection by the chief executive is required and the building has a floor area of—	
	(i) 500m ² or less	548.00
	(ii) more than 500m ²	812.00
2	Fee to fast-track decision for variation application (Act, s 39)	50% of the fee payable for the application
3	Application fee for licensing as a building certifier	104.00
4	Licence fee for licensing as a building certifier. . .	548.00

Schedule 4 Dictionary

section 3

aspect, of building work, means a component of a stage of the work.

aspect work see section 42(1)(b).

assessable building work means building work that is not self-assessable building work or exempt development.

builder, for building work, means the person in charge of carrying out the work.

Examples of a builder for building work—

- 1 a person who contracts with an owner to perform building work for the owner
- 2 a person who holds an owner-builder permit under the *Queensland Building Services Authority Act 1991* for building work and who, under that Act, engages subcontractors to perform all or part of the work

building certifier for—

- (a) a provision about a competent person, means the building certifier who decided the person is a competent person; or
- (b) a provision about assessable building work, means the building certifier who performed, or is performing, building certifying functions for the building development approval for the work.

building design or specification means any material, system, method of building or other thing related to the design of or specifications for building work.

certificate of inspection means a certificate under section 32 that states a stage of assessable building work complies with the building development approval.

competent person see section 16(3).

competent person (design/specification) see section 17(4).

competent person (inspections) see section 17(5).

Schedule 4 (continued)

designated rainwater tank area see section 7(1).

design/specification help, for a competent person, see section 17(1)(a).

final stage, of building work, means the last stage of the building work provided for under section 24.

floor area, of a building or structure, sole-occupancy unit or storey, means its floor area as defined under the BCA.

inspecting person see section 30(2).

inspection help, for a competent person, see section 17(1)(b).

inspection guidelines see section 26(1).

natural ground surface, for a building, device or structure, means the ground surface located at site of the building or structure on the day the first plan of survey showing the relevant allotment was first registered.

noncompliance notice see section 33(2).

notice for inspection see section 27(2).

planning scheme maps means maps used in a planning scheme.

QBSA licensee see section 42(1)(c).

QBSA licensee certificate means a certificate under section 43 or 44.

rainwater tank includes its supporting stand.

referral agency aspects see section 37(a).

relevant building work, in a designated rainwater tank area, means the construction, in the designated rainwater tank area, of a class 1 building that, under the *Water Act 2000*, is in a service area for a retail water service.

road—

1 a **road** is—

(a) an area of land dedicated to public use as a road; or

Schedule 4 (continued)

- (b) an area open to, or used by, the public and developed for, or has, as 1 of its main uses, the driving or riding of motor vehicles.
- 2 However a **road** does not include a pedestrian or bicycle path.

sole-occupancy unit means a sole-occupancy unit as defined under the BCA.

stage, of assessable building work, means a stage of the work provided for under section 24.

storey means a storey as defined under the BCA.

structural component, of a building, means an element or a part of a building that carries or transfers a load in addition to its own weight.

tent means a temporary structure clad in canvas, plastic or similar material, with or without walls, supported by poles or similar supports and fastened to the ground using ropes, pegs or ballast.

Examples—

circus tent, box frame marquee

Endnotes

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Building Regulation 2006 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfcd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	1 September 2006	

5 List of legislation

Building Regulation 2006 SL No. 227

made by the Governor in Council on 14 August 2006

notfd gaz 18 August 2006 pp 1821–5

ss 1–2 commenced on date of notification

remaining provisions commenced 1 September 2006 immediately after the commencement of s 5 of the Building and Other Legislation Amendment Act 2006 No. 36 (see s 2 and 2006 SL No. 226)

exp 1 September 2016 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

6 List of annotations

PART 10—AMENDMENT OF BUILDING FIRE SAFETY REGULATION 1991

pt 10 (ss 60–65) om R1 (see RA ss 7(1)(k) and 40)

PART 11—AMENDMENT OF PASTORAL WORKERS' ACCOMMODATION REGULATION 2003

pt 11 (ss 66–67) om R1 (see RA ss 7(1)(k) and 40)

PART 12—AMENDMENT OF QUEENSLAND BUILDING SERVICES AUTHORITY REGULATION 2003

pt 12 (ss 68–72) om R1 (see RA ss 7(1)(k) and 40)

PART 13—AMENDMENT OF RESIDENTIAL SERVICES (ACCREDITATION) REGULATION 2002

pt 13 (ss 73–74) om R1 (see RA ss 7(1)(k) and 40)

PART 14—AMENDMENT OF RESIDENTIAL TENANCIES REGULATION 2005

pt 14 (ss 75–77) om R1 (see RA ss 7(1)(k) and 40)

PART 15—AMENDMENT OF STATE PENALTIES ENFORCEMENT REGULATION 2000

pt 15 (ss 78–79) om R1 (see RA ss 7(1)(k) and 40)

**PART 16—AMENDMENT OF WORKPLACE HEALTH AND SAFETY
REGULATION 1997****pt 16 (ss 80–82)** om R1 (see RA ss 7(1)(k) and 40)**7 Table of corrected minor errors**

under the Reprints Act 1992 s 44

Provision	Description
schedule 2	
4(2)(b)	ins ‘with’ before ‘the requirements’