



Queensland

Building Amendment Regulation (No. 5) 2010

Explanatory Notes for SL 2010 No. 309

made under the

Building Act 1975

Minister

Minister for Infrastructure and Planning

Subject

The *Building Amendment Regulation (No. 5) 2010*, which amends the *Building Regulation 2006* to prescribe a list of Local Governments for the definition of 'remote area' to allow remote inspections and to provide pre-contract notice requirements, a demerit regime for pool safety inspectors and other matters with respect to pool safety.

Legislative Provisions

Sections 261 of the *Building Act 1975* (BA)

Background

Pre-contract notice

The proposed regulation amends the *Building Regulation 2006* to prescribe the requirements for a pre-contract notice alerting prospective purchasers to their potential legal and financial obligations where there is no pool

safety certificate in place. The regulation will provide that the seller is to give the notice in the approved form.

Professional indemnity insurance for pool safety inspectors

The BA provides that pool safety inspectors must carry professional indemnity insurance prescribed by regulation.

The regulation will clarify that the requirement does not apply to pool safety inspectors who are employed by Local Governments or by the State Government.

Demerit points regime for pool safety inspectors

The regulation will introduce a demerit points regime for pool safety inspectors, to provide the Pool Safety Council with a means of encouraging desirable practices and deterring undesirable conduct by pool safety inspectors, that will represent a low-cost alternative to formal disciplinary action.

Definition of ‘remote area’

The regulation will prescribe a list of Local Governments that may by resolution declare part of their area a ‘remote area’, to allow pool safety inspectors to inspect pools in that area using documents and any appropriate technology and without an on-site inspection.

Replacement of QDC MP 3.4

The regulation will replace QDC MP3.4 to correct a technical defect in the way the standard deals with doors to indoor pools.

Fees

In relation to fees for provision of an identification number for pool safety certificates, on 19 October 2010, by Decision No. 3077, the Cabinet Budget Review Committee approved a fee of \$30 per certificate.

Purpose and Consequence

The purpose of this Executive Council Minute is to make the *Building Amendment Regulation (No. 5) 2010*, which amends the *Building Regulation 2006* to prescribe a list of Local Governments for the definition of ‘remote area’ to allow remote inspections and to provide pre-contract notice requirements, a demerit regime for pool safety inspectors and other matters with respect to pool safety.

Has the Office of the Queensland Parliamentary Counsel drafted the proposed subordinate legislation?

Yes.

Consultation

The Queensland Office for Regulatory Efficiency was consulted in relation to the need for a Regulatory Impact Statement (RIS).

Queensland Treasury has been consulted in respect of this Minute.

Results of Consultation

The Queensland Office for Regulatory Efficiency advised that a RIS is required for the proposed Regulation. A copy of the RIS is attached.

Queensland Treasury supports this Minute proceeding.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Infrastructure and Planning.

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