



Queensland

Building Amendment Regulation (No. 2) 2012

Explanatory Notes for SL 2012 No. 119

made under the

Building Act 1975

General outline

Short title

The short title of the amendment regulation is the *Building Amendment Regulation (No. 2) 2012*.

Authorising law

Section 261 of the *Building Act 1975*

Policy objectives and the reasons for them

The *Building Regulation 2006* (BR) is being amended to adopt three revised Mandatory Parts of the Queensland Development Code (QDC): 4.1 - Sustainable Buildings (QDC 4.1), 5.4 - Child Care Centres (QDC 5.4) and 6.1 - Commissioning and Maintenance of Fire Safety Installations (QDC 6.1).

QDC 4.1 - Sustainable Buildings

QDC 4.1 sets energy and water efficiency requirements specifically for Queensland buildings. For air conditioners under 65 kilowatt capacity, as a result of changes to the national Minimum Energy Performance Standards

(MEPS) air conditioners manufactured or imported from 1 October 2011 will be of a higher energy efficiency standard (for cooling) than is required by QDC 4.1.

The removal of the Queensland requirement for air conditioners from QDC 4.1 recognises the increase in the national standards for energy efficiency under MEPS.

QDC 5.4 - Child Care Centres

On 1 January 2012 Queensland adopted new national laws for education and care centres when the *Education and Care Services National Law (Queensland) Act 2011* (the national law) commenced.

Subsequently, the National Construction Code (NCC) was amended from 1 May 2012 to include standards for education and care centres. Because the QDC prevails over the NCC to the extent of any inconsistency, the QDC has been amended to allow new education and care facilities that are subject to the national law take advantage of the NCC provisions.

QDC 6.1 - Commissioning and Maintenance of Fire Safety Installations

QDC 6.1 sets standards for commissioning and maintenance of fire safety installations. Review of the part has identified minor corrections that will clarify the intent and enhance the usability of the QDC. In order to make these changes, and to achieve consistency with other parts of the QDC, a new version of QDC 6.1 has been approved.

Achievement of policy objectives

QDC 4.1 - Sustainable Buildings

The policy objectives are achieved by removing the requirement for a minimum tested average energy efficiency ratio (EER) of 2.9 for new or replacement air-conditioners installed in all Queensland buildings.

On 1 April 2011, a new testing procedure, the Annual Energy Efficiency Ratio (AEER) was adopted under the national MEPS that sets the minimum energy efficiency standards for the sale of air conditioners.

The MEPS level increased on 1 October 2011, resulting in the AEER levels being greater than the existing QDC 4.1 requirement. As a result, any systems manufactured or imported from 1 October 2011 will be of a higher standard than is required by QDC 4.1.

QDC 5.4 - Child Care Centres

Upon commencement of the changes to QDC 5.4 new education and care services will be assessed against the NCC and the national law.

Existing services that transition to the national law must continue to comply with the QDC as in place when the building approval application was lodged.

A small number of limited hours and other child care centres are not covered by the national law or the NCC. These centres will continue to be licensed under the *Child Care Act 2002* (Qld) and will remain subject to the QDC.

QDC 6.1 - Commissioning and Maintenance of Fire Safety Installations

A new version of QDC 6.1 has been prepared that makes minor changes to clarify intent and achieve consistency with other parts of the QDC.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the main objectives of the *Building Act 1975*, which include regulating particular matters about building work.

Inconsistency with policy objectives of other legislation

The amendment regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

QDC 4.1 - Sustainable Buildings

The proposed changes to QDC 4.1 will provide notable benefits to homeowners and the building and construction industry. Removal of the Queensland specific installation requirement for air conditioners will provide clear and consistent understanding with national standards. Simplified requirements for air-conditioners will mean that product selection and installation are easier, potentially reducing costs. There are no foreseeable costs associated with this proposed change.

QDC 5.4 - Child Care Centres

The NCC requirements for education and care services allow for greater flexibility in the design and construction of new facilities when compared to the QDC.

Adopting the standardised national building requirements in the NCC is part of the National Quality Agenda for Early Childhood Education and Care which was endorsed by the Council of Australian Governments. This is designed to enhance quality by having a consistent approach across all states and territories with regards to the physical environment of new education and care services.

QDC 6.1 - Commissioning and Maintenance of Fire Safety Installations

Revising QDC 6.1 for clarity and accuracy will benefit industry professionals who use the code, potentially leading to time and cost savings.

Consistency with fundamental legislative principles

Fundamental legislative principles have been considered in the preparation of the amendment regulation and it is consistent with fundamental legislative principles.

Consultation

The draft QDC parts were published on the Department website in accordance with the *Building Act 1975*, s13.

The changes to QDC 4.1 were made after consultation with:

- Australian Institute of Refrigeration Air Conditioning and Heating
- Consumer Electronics Suppliers Association
- Air-Conditioning & Refrigeration Equipment Manufacturers Association
- Equipment Safety and Licensing, Department of Justice and Attorney-General
- Office of Clean Energy

Amendments to QDC 5.4 involved extensive consultation by the Office for Early Childhood Education and Care within the Department of Education, Training and Employment.

QFRS was consulted about the minor changes to update and clarify QDC 6.1.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Housing and Public Works.

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