



Queensland

# **Building Amendment Regulation (No. 3) 2012**

## **Explanatory Notes for SL 2012 No. 151**

made under the

*Building Act 1975*

---

## **General outline**

### **Short title**

*Building Amendment Regulation (No. 3) 2012.*

### **Authorising law**

Section 261 of the *Building Act 1975*

### **Policy objectives and the reasons for them**

*Continuing professional development for pool safety inspectors*

This amendment regulation introduces continuing professional development (CPD) requirements for pool safety inspectors (PSIs) to assist PSIs in keeping informed about legislative changes, technical requirements, practices and emerging issues relevant to their functions and responsibilities.

The amendments will require PSIs to complete six CPD points within the twelve months prior to the time of licence renewal or restoration. Taking into consideration existing CPD requirements for building certifiers, PSIs

that are also licensed building certifiers will only be required to achieve four CPD points.

The amendment regulation inserts a new Section 16DE, allowing the Pool Safety Council (PSC) to determine the number of points allocated to CPD activities. New section 16DD requires this information to be published on the department's website.

Transitional arrangements have been provided in a new Part 10 of the BR. For the first three months following commencement of the CPD scheme, no points will be required when renewing a licence or for restoration. Following the initial three months, a staged implementation will occur with a two point requirement in the first month, increasing by two points each month until the full requirements are reached. Full compliance will be required by 1 February 2013.

#### *Technical amendment to new offence for self-assessable building work for pool fences*

The regulation also clarifies the intent of offences introduced in *Building Amendment Regulation (No. 1) 2012*, relating to the scope of self-assessable work for pool fences. The regulation makes changes to the *Building Regulation 2006* (BR) to achieve these objectives.

Amendments to section 16DA of the BR clarify that these offences only apply to work carried out under schedule 2C section 5. This removes any doubt about whether pool owners carrying out work under schedule 2B are subject to the offence.

## **Achievement of policy objectives**

### *Continuing professional development for pool safety inspectors*

Introducing CPD requirements will ensure the PSI profession maintains a high level of expertise by keeping PSIs informed about legislative amendments, technical requirements and emerging issues. This in turn will contribute to the overarching policy objective of maintaining high pool safety standards across Queensland in order to reduce the number drowning deaths and immersion incidents involving young children.

CPD activities will include professional affiliations, training courses, workshops, conferences and departmental seminars relevant to the functions and related duties of a PSI. The point value of activities will be determined by the PSC and published on the department's website.

*Technical amendment to new offence for self-assessable building work for pool fences*

Amending section 16DA clarifies that homeowners completing prescribed self-assessable work under schedule 2B are not subject to the offences applicable to work performed under schedule 2C section 5.

**Consistency with policy objectives of authorising law**

The regulation is consistent with the objectives of the *Building Act 1975*, including the performance of pool safety inspection functions.

**Inconsistency with policy objectives of other legislation**

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

**Alternative ways of achieving policy objectives**

There are no alternative ways of achieving the policy objectives.

**Benefits and costs of implementation**

PSIs will continue to be informed about any legislative changes, case studies and technical requirements related to the pool safety industry. This will benefit owners of pools, and the wider community, by having well-informed and competent PSIs inspecting and certifying swimming pool barriers.

**Consistency with fundamental legislative principles**

The subordinate legislation is consistent with the fundamental legislative principles.

**Consultation**

The following stakeholders have been consulted in relation to the proposal:

- PSIs
- PSI course providers:

- i. Accredited Pool Safety Inspector Courses
  - ii. Allens Training Pty Ltd
  - iii. AssentTECS
  - iv. MCIE Queensland
  - v. NSPI Australia
  - vi. Royal Life Saving Society Queensland
- Australian Institute of Building Surveyors
  - Queensland Building Services Authority
  - Department of Education, Training and Employment
  - Hannah's Foundation
  - Queensland Injury Surveillance Unit
  - Royal Institution of Chartered Surveyors
  - Samuel Morris Foundation
  - Swimming Pool and Spa Association of Queensland
  - Local Government Association of Queensland
  - Queensland Treasury and the Department of Premier and Cabinet.

---

#### ENDNOTES

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

© State of Queensland 2012