



Queensland

Building and Other Legislation Amendment Regulation (No. 1) 2013

Explanatory Notes for SL 2013 No. 11

made under the

Building Act 1975

Plumbing and Drainage Act 2002

General outline

Short title

Building and Other Legislation Amendment Regulation (No. 1) 2013.

Authorising law

Sections 13 and 261 of the *Building Act 1975*

Section 145 of the *Plumbing and Drainage Act 2002*

Policy objectives and the reasons for them

The policy objectives of the *Building and Other Legislation Amendment Regulation (No. 1) 2013* (the Regulation) are to implement the Government's decisions:

- to repeal the mandatory requirement to install rainwater tanks, and other water saving devices, in new houses, townhouses, commercial and industrial buildings. Local governments will be able to opt-in to requirements if they can demonstrate a net benefit to the community.

- to repeal the mandatory requirements for new houses and existing houses in gas reticulated areas to install energy efficient hot water systems.

Achievement of policy objectives

The Regulation replaces:

- Queensland Development Code parts 4.2 (Rainwater tanks and other supplementary water supply systems) and 4.3 (supplementary water sources – commercial buildings) to repeal mandatory requirements for the installation of rainwater tanks; and
- Queensland Development part 4.1 (Sustainable buildings) and the Queensland Plumbing and Wastewater Code to repeal mandatory requirements to install an energy efficient hot water system in new houses and in existing houses located in gas reticulated areas.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the objectives of the *Building Act 1975*, to regulate, among other things, building development approvals, building work and to provide for particular matters about sustainable buildings. Changes to *Standard Plumbing and Drainage Regulation 2003* to adopt a new version of the Queensland plumbing and Wastewater Code are consistent with the objectives of the *Plumbing and Drainage Act 2002*.

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

During the 2012 state election campaign, the Government committed to undertaking a comprehensive cost-benefit analysis of mandatory environmental inclusions, including rainwater tanks and energy efficient hot water systems.

Following completion of this review the Government decided to repeal mandatory requirements to install:

- rainwater tanks, and other water savings devices while allowing local government to opt-in to similar mandatory requirements if they can demonstrate that doing so will provide a net benefit to the community;
- energy efficient hot water systems in new houses and townhouses. It was also decided to repeal the mandatory requirement that electric hot water systems be replaced with energy efficient systems in existing houses and townhouses located in gas reticulated areas.

On 14 December 2012, the Government announced that it would repeal the mandatory requirement for hot water systems and rainwater tanks and other water savings measures early in 2013.

Consistency with Fundamental Legislative Principles

The regulation has been drafted with regard to fundamental legislative principles (FLP) as defined in section 4 of the *Legislative Standards Act 1992*. The regulation is consistent with fundamental legislative principles.

Consultation

Extensive consultation was undertaken as part of the review of mandatory requirements for water savings targets, including rainwater tanks, and energy efficient hot water systems.

Draft versions of the Queensland Plumbing and Wastewater Code and Queensland Development Code parts affected by the announced proposal were made available on the Department's website on 21 December 2012.

Consultation was undertaken with industry stakeholders, including the Building Industry Consultative Group (BICG), the Plumbing Industry Consultative Group (PICG) and the RH Group on the proposed amendments and drafting of the Codes.

ENDNOTES

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

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