

Building and Another Regulation Amendment Regulation (No. 1) 2013

Explanatory notes for SL 2013 No. 176

made under the

Building Act 1975
State Penalties Enforcement Act 1999

General Outline

Short title

Building and Another Regulation Amendment Regulation (No. 1) 2013

Authorising law

Section 261 of the *Building Act 1975*
Section 165 of the *State Penalties Enforcement Act 1999*

Policy objectives and the reasons for them

The policy objective of the *Building and Another Regulation Amendment Regulation (No. 1) 2013* (the Regulation) is to prescribe the Institute of Building Consultants (IBC) as an organisation for which membership is recognised for continuing professional development (CPD) for Pool Safety Inspectors (PSI) and to update the entry in the *State Penalties Enforcement Regulation 2000* for recent changes made to the *Plumbing and Drainage Act 2002* for the notifiable work scheme.

Building Regulation 2006

The *Building Act 1975* provides that a regulation may prescribe CPD for PSIs. From 1 September 2012, PSIs have been required to accumulate six CPD points during the 12 month period. PSIs who are also licensed building certifiers are only required to accumulate four CPD points.

CPD points are accumulated by completing PSC approved CPD activities and holding certain memberships. Schedule 2D of the *Building Regulation 2006* lists the approved membership bodies. Currently, there are three bodies listed and membership of each body entitles the member to two CPD points.

The IBC is a division of the Queensland chapter of Master Builders Australia. The IBC provides its members with regular updates and events, insurance, representation on important industry issues and information sessions. Membership to the IBC for the purpose of CPD for PSIs is considered appropriate as members are kept well informed of their legislative responsibilities and technical aspects of the pool safety standard.

State Penalties Enforcement Regulation 2000

A scheme to cut red tape associated with routine plumbing work was introduced on 1 November 2012. The scheme, known as 'the notifiable work scheme', is set out in the *Plumbing and Drainage Act 2002* and related subordinate legislation.

The *Housing and Other Legislation Amendment Act 2013* amended Part 4 of the *Plumbing and Drainage Act 2002* to support the implementation of the notifiable work scheme. As a result a modified section 87(2) was renumbered as section 87(3). Section 87(3) requires notices of completed notifiable work to be given to the Plumbing Industry Council.

A minor consequential amendment to update the *State Penalties Enforcement Regulation 2000* for section 87(3) of the *Plumbing and Drainage Act 2002* is therefore required. The amendment will continue the compliance regime for notifiable work and maintain public health and safety standards by continuing to permit the issue of infringement notices for failure to lodge a notice of notifiable work.

Achievement of policy objectives

The Regulation includes amendments of the Building Regulation to prescribe the IBC as an organisation for which membership counts towards CPD for PSIs and amendments of the *State Penalties Enforcement Regulation 2000* to update the entry for section 87(2) of the *Plumbing and Drainage Act 2002*.

Consistency with policy objectives of authorising law

The Regulation is consistent with the objectives of the *Building Act 1975* and *State Penalties Enforcement Act 1999*.

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

Introducing an additional membership body will increase the options for PSIs to obtain CPD points. There is no obligation for PSIs to become members of the approved groups.

The amendment to the *State Penalties Enforcement Regulation 2000* will ensure that infringement notices can continue to be issued as part of the notifiable work scheme. This is part of a compliance regime that ensures that plumbing and drainage work continues to meet public health and safety standards.

Consistency with fundamental legislative principles

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

Consultation

The Pool Safety Council considered the submission made by Master Builders Australia to include the IBC as an approved body for the purposes of PSI CPD. The PSC endorsed the submission.

Notes on Provisions

Part 1 Preliminary

Short Title

Clause 1 sets out the short title of the Regulation.

Regulation Amended

Clause 2 provides that this part amends the *Building Regulation 2006*.

Amendment of sch 2D (Bodies and CPD points for membership for continuing professional development)

Clause 3 inserts the Institute of Building Consultants as a division of the Queensland Master Builders Association Industrial Organisation of Employers ABN 96 641 989 386 to schedule 2D. This amendment will entitle members of the Institute of Building Consultants who are pool safety inspectors to receive 2 points towards their continuing professional development obligations.

Regulation Amended

Clause 4 provides that this part amends the *State Penalties Enforcement Regulation 2000*.

Amendment of sch 5 (Other legislation)

Clause 5 updates the entry in schedule 5 of the State Penalties Enforcement Regulation 2000 for section 87(2) of the Plumbing and Drainage Act 2002.

The change to the entry is required as a result of an amendment of section 87 included in the *Housing and Other Legislation Amendment Act 2013* that modified section 87(2) and renumbered it as section 87(3). Section 87(3) requires notices of completed notifiable work to be given to the PIC. The maximum penalty for failure to comply with the section is 60 penalty units.

As a result of the amendment, authorised persons continue to be empowered to serve penalty infringement notices for breaches of the offence provision. The amendment will continue the compliance regime for notifiable work and maintain public health and safety standards.