

Building Amendment Regulation (No. 2) 2014

Explanatory notes for SL No.120

made under the

Building Act 1975

General Outline

Short title

Building Amendment Regulation (No.2) 2014

Authorising law

Section 13 and 261 of the *Building Act 1975* (BA)

Policy objectives and the reasons for them

The Government's Six Month Action Plan (January – June 2014) made a commitment to cut red and green tape for the building and construction industry. This amendment regulation delivers on that commitment and amends requirements for:

- resuscitation signs around swimming pools;
- minor repairs to pool barriers;
- temporary accommodation buildings; and
- commissioning and maintaining fire safety installations.

Achievement of policy objectives

The objective of the amendment regulation is to give effect to red and green tape reduction measures.

Resuscitation signs for pools

The *Building Regulation 2006* (BR) currently has two requirements for displaying resuscitation signs, depending on the date the pool was constructed. Pools constructed prior to 1 December 2009 are required to install a sign that shows enough information to enable anyone reading the sign to perform expired air or cardiopulmonary resuscitation on an infant or young child. Pools constructed after 1 December 2009 are required to install a sign that shows information about the procedures for providing first aid, including performing cardiopulmonary resuscitation, in the way stated in 'Guideline 7—cardiopulmonary resuscitation' published by the Australian Resuscitation Council in February 2006.

This regulation replaces the requirement for the pools constructed prior to 1 December 2009 with the same requirement as those pools constructed after 1 December 2009. Transitional requirements have been included to ensure that owners of pools built before 1 December 2009 will not be required to update their sign until it becomes illegible or they sell or lease the property.

Recording minor repairs to pools

The amendment regulation removes the requirement for pool safety inspectors to update a register when they carry out minor repairs to pool fences. This requirement is considered to be unnecessary red tape for pool safety inspectors.

Temporary accommodation buildings

In 2013, the Queensland Plumbing and Wastewater Code and Mandatory Part (MP) 4.1 of the Queensland Development Code (QDC) – *Sustainable buildings* were amended to repeal mandatory requirements to install rainwater tanks and energy efficient hot water systems in permanent buildings.

To achieve consistency for permanent and temporary buildings, the amendment regulation adopts a new version of QDC MP 3.3 – *Temporary accommodation buildings and structures*. The new version removes requirements for energy efficient hot water systems, water pressure-limiting devices and air conditioners, bringing MP 3.3 in line with the intention of the original red tape reduction policy.

Commissioning and maintaining fire safety installations

Mandatory Part (MP) 6.1 of the QDC – *Commissioning and Maintenance of Fire Safety Installations* provides the requirements for ensuring that prescribed fire safety installations are maintained in accordance with the standards under which they were approved. For buildings approved after 2005, QDC MP 6.1 applies the 2005 edition of Australian Standard 1851 - *Maintenance of fire protection systems and equipment* (AS 1851). However, for buildings approved prior to 2005, the standard applies the standard that was in place when the building was approved.

In 2012, AS 1851 was updated and renamed - *Routine service of fire protection systems and equipment*. The 2012 version includes reduced testing frequencies for certain fire protection features, such as hydrants and hoses, which could result in significant savings for building owners and industry. Additionally, AS 1851:2012 can be applied to existing buildings without requiring any retrospective upgrades of fire installations or equipment.

The amendment regulation adopts a new version of QDC MP 6.1 which adopts AS 1851:2012.

Consistency with policy objectives of authorising law

The amendments to the BR are consistent with the objectives of the BA, which regulates, among other things, building work and swimming pool safety.

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

Resuscitation signs for pools

The amendment regulation benefits the community and pool safety inspectors by simplifying the application of Queensland's pool safety laws. The requirement for resuscitation signage will now be uniform, regardless of when the pool was built.

The amendment regulation also includes transitional arrangements to ensure that owners of existing compliant pools are not put to the unnecessary expense of updating their signs.

No additional costs are anticipated as a result of this amendment.

Recording minor repairs to pools

The amendment regulation will benefit pool safety inspectors by removing the requirement for them to update a register when they carry out minor repairs to pool fences.

No costs are anticipated as a result of this amendment.

Temporary accommodation buildings

The amendment regulation benefits the builders of temporary buildings by removing requirements for energy efficient hot water systems, water pressure-limiting devices and air conditioners. The amendment aligns the requirements for temporary and other accommodation buildings and reduces the cost of constructing a temporary accommodation building.

Commissioning and maintaining fire safety installations

The amendment regulation adopts a new version of QDC MP 6.1 which adopts AS 1851:2012 - *Routine service of fire protection systems and equipment*. It is expected that overall cost savings for occupants/building owners will be gained from reduced testing frequencies for certain fire safety installations.

Consistency with fundamental legislative principles

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

Consultation

Consultation was undertaken with the Pool Safety Council on the amendments for the resuscitation signs and recording minor repairs for pools.

The amendments for temporary accommodation buildings deliver on the policy intent to remove the mandatory requirement for rainwater tanks and energy efficient hot water systems. No additional consultation was undertaken.

Consultation on the amendments to QDC MP 6.1 was undertaken with a building and fire safety industry working group. The group strongly support the amendments to QDC MP 6.1 as it will result in cost savings for property owners and industry. A six week public consultation also occurred. Submissions received were generally supportive.
