

Building and Other Legislation Amendment Regulation (No. 1) 2016

Explanatory notes for SL 2016 No. 40

made under the

Building Act 1975

Sustainable Planning Act 2009

General Outline

Short title

Building and Other Legislation Amendment Regulation (No. 1) 2016

Authorising law

Sections 13 and 261 of the *Building Act 1975*

Section 763 of the *Sustainable Planning Act 2009*

Policy objectives and the reasons for them

The objective of the *Building and Other Legislation Amendment Regulation (No. 1) 2016* (the Regulation) is to repeal the following mandatory parts (MP) of the Queensland Development Code (QDC):

- MP 2.4 – *Building in bushfire prone areas*, which varies provisions of Volumes One and Two of the National Construction Code (NCC) to allow the use of the National Association of Steel Framed Housing Standard 2014 for steel framed construction in bushfire areas in Queensland. The variations achieved by MP 2.4 are to be replaced by provisions of the 2016 edition of the NCC, which commences on 1 May 2016.
- MP 5.1 – *Workplaces*, which addresses suitable standards of health and safety for employees at particular workplaces. Since its introduction, the requirements of MP 5.1 have been incorporated within Queensland’s work health and safety laws.
- MP 5.8 – *Workplaces involving spray painting*, which sets minimum requirements to safeguard people from illness or injury from spray painting using hazardous substances. Similar to MP 5.1, the requirements of MP 5.8 have been incorporated within Queensland’s work health and safety laws since their introduction.

Retaining these QDC parts when the requirements are contained in other regulatory instruments is an unnecessary duplication of legislation that may create red tape and costs for the building and construction industry. The Regulation aims to improve the clarity and efficiency of Queensland’s building legislation and reduce potential confusion for industry about which requirements apply.

The Regulation also makes minor amendments to the *Building Regulation 2006* which correct some cross-references to sections in the *Building Act 1975* and correct the name of the provider of the prescribed course about issuing building development approvals.

Achievement of policy objectives

Under section 13 of the *Building Act 1975*, an amendment to the QDC does not take effect until, amongst other things, a regulation approves the amendment. The Regulation achieves its policy objectives by amending the *Building Regulation 2006* to approve an amendment to the QDC to omit parts MP 2.4, MP 5.1 and MP 5.8.

The repeal of the QDC parts is supported by minor consequential amendments to the *Sustainable Planning Regulation 2009*. MP 5.1 and MP 5.8 are referenced under Schedule 7 of the *Sustainable Planning Regulation 2009*, which provides concurrence and advice agency powers for these QDC parts. The Regulation will remove the relevant references to the repealed QDC parts.

Consistency with policy objectives of authorising law

The Regulation is consistent with the policy objectives of the authorising laws.

Inconsistency with policy objectives of other legislation

The Regulation is not inconsistent with the policy objectives of other legislation.

Benefits and cost of implementation

No administrative costs will be associated with implementing the Regulation.

The repeal of the QDC parts will benefit industry by reducing unnecessary red tape and duplication, providing clarity about which requirements apply and ensuring the building legislation is simple and efficient.

Consistency with fundamental legislative principles

The Regulation is consistent 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*.

Consultation

The Building Industry Consultative Group (BICG), which was established by the Department of Housing and Public Works and comprises key building industry stakeholders such as the Housing Industry Association, Master Builders Queensland and the Australian Institute of Building Surveyors, was consulted on the proposal and supported the repeal of the QDC parts.

The Department of the Premier and Cabinet; Queensland Treasury; the Department of Infrastructure, Local Government and Planning; the Queensland Productivity Commission; and the Office of Fair and Safe Work Queensland support the proposals.