

Queensland Building and Construction Commission and Other Legislation (Non-conforming Building Products) Amendment Regulation 2017

Explanatory notes for SL 2017 No. 220

made under the

Queensland Building and Construction Commission Act 1991
State Penalties Enforcement Act 1999

General Outline

Short title

Queensland Building and Construction Commission and Other Legislation (Non-conforming Building Products) Amendment Regulation 2017

Authorising law

Section 116 of the *Queensland Building and Construction Commission Act 1991*
Section 165 of the *State Penalties Enforcement Act 1999*

Policy objectives and the reasons for them

The objectives of the *Queensland Building and Construction Commission and Other Legislation (Non-conforming Building Products) Amendment Regulation 2017* (Amendment Regulation) are to:

1. Prescribe new penalty infringement offences to support the provisions for enhanced investigative powers prescribed in the *Building and Construction Legislation (Non-conforming Building Products – Chain of Responsibility and Other Matters) Amendment Act 2017* (Amendment Act) through amending the existing penalty infringement notice offences included in the *State Penalties Enforcement Regulation 2014*.
2. Prescribe the class requirements for individuals eligible to conduct an examination of a building product or sample and regulate the way an examination can be carried out. This is necessary to support the Amendment Act and ensure that examinations are conducted appropriately.

Achievement of policy objectives

The policy objectives of the *Queensland Building and Construction Commission and Other Legislation (Non-conforming Building Products) Amendment Regulation 2017* will be achieved by supporting the *Building and Construction Legislation (Non-conforming Building Products – Chain of Responsibility and Other Matters) Amendment Act 2017*. The Amendment Regulation also prescribes amendment to the *State Penalties Enforcement Regulation 2014* to ensure that the new penalties prescribed in the Amendment Act are enforceable. The policy objectives of the Amendment Regulation are to:

- ensure that building product supply chain participants are motivated to ensure a building product, so far as reasonably practicable, is not a non-conforming building product;
- strengthen the QBCC's powers to ensure buildings are safe and better align its powers with those of other Queensland regulators, such as the Electrical Safety Office and the Workplace Health and Safety Office; and
- enable the QBCC to investigate and address instances of non-conforming building products.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the main objects of the *Building and Construction Legislation (Non-conforming Building Products – Chain of Responsibility and Other Matters) Amendment Act 2017*. That is to promote the safety of Queensland's buildings by introducing duties on supply chain participants for building products to ensure building products are safe and enabling the Government, through the administering Minister and Queensland's building regulator, the QBCC, to investigate and effectively respond to incidents of non-conforming building products.

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

The Amendment Regulation is not expected to significantly impose greater costs on businesses, as they should already ensure that building products are safe, fit for the intended use and comply with the relevant building assessment.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with the policy objectives of other legislation. The Regulation is consistent with fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

Consultation

In accordance with the Queensland Government Guide to Better Regulation (the Guidelines), the Office of Best Practice Regulation within the Queensland Productivity Commission was consulted in relation to the regulatory proposal. The Commission considers that the Amendment Regulation does not require further assessment under the Guidelines.