

# **Queensland Building and Construction Commission (Fire Protection Licensing) Amendment Regulation 2021**

Explanatory notes for Subordinate Legislation 2021 No. 183

made under the

*Queensland Building and Construction Commission Act 1991*

## **General Outline**

### **Short title**

*Queensland Building and Construction Commission (Fire Protection Licensing) Amendment Regulation 2021 (Amendment Regulation)*

### **Authorising law**

Section 116 of the *Queensland Building and Construction Commission Act 1991* (QBCC Act)

### **Policy objectives and the reasons for them**

Providing high quality fire protection standards is crucial to ensuring the safety of occupants within buildings, evidenced by events such as the fire spread at Melbourne's Lacrosse and Spencer Street buildings and tragic loss of life at London's Grenfell Tower fire. The national Building Confidence Report also highlighted the need for a strong regulatory framework for fire safety, including mandatory registration of fire safety practitioners and greater oversight of the installation and certification of fire safety systems.

On 1 May 2021, the new fire protection licensing framework commenced in Queensland. The framework including new licence classes, transitional arrangements and technical qualifications, was developed by the Ministerial Construction Council (MCC) Subcommittee on Fire Protection Licensing and Compliance (the Subcommittee).

The new fire protection licensing framework is an industry-led framework that introduces modernised and streamlined fire protection licences in Queensland. The framework will strengthen the building and construction industry and further protect Queenslanders.

The objective of the Amendment Regulation is to make minor transitional amendments to assist the ongoing implementation of Queensland's new fire protection licensing framework. Recent industry feedback has also indicated that minor amendments are required to achieve the policy intent.

## **Achievement of policy objectives**

The Amendment Regulation makes minor and consequential amendments to the *Queensland Building and Construction Commission Regulation 2018* (QBCC Regulation) to achieve the policy intent in line with the approved framework and recent feedback from the industry. The amendments will also ensure that only licensees with appropriate qualifications can perform fire protection work on sprinkler systems.

These changes are also necessary to assist the ongoing implementation of the new framework, specifically to ensure that licence applications that were lodged prior to commencement of the framework on 1 May 2021 can still be assessed for eligibility for a continuing licence class. Additionally, a minor consequential amendment will be made to the QBCC Regulation to reflect updated terminology, in particular the term 'fire alarm system'.

The amendments do not represent policy changes and are necessary to clarify the policy intent.

## **Consistency with policy objectives of authorising law**

The Amendment Regulation is consistent with the main objects of the QBCC Act to regulate the carrying out of building, plumbing and drainage work to ensure the maintenance of proper standards in the building industry and protect public safety.

## **Inconsistency with policy objectives of other legislation**

No inconsistencies with the policy objectives of other legislation have been identified.

## **Alternative ways of achieving policy objectives**

The policy objectives can only be achieved through the Amendment Regulation. These issues cannot be addressed administratively or by other policy means.

## **Benefits and costs of implementation**

The Amendment Regulation is necessary to ensure that only licensees with appropriate qualifications perform certain fire protection work. The amendments are also necessary to support the transition to the new framework. The Amendment Regulation will not pose any adverse financial impacts to industry.

## **Consistency with fundamental legislative principles**

The Amendment Regulation has sufficient regard to the institution of Parliament, is consistent with the policy objectives of the authorising law and only contains matters appropriate to subordinate legislation. Therefore, the Amendment Regulation is consistent with fundamental legislative principles as outlined in the *Legislative Standards Act 1992*.

## **Consultation**

Public and industry consultation on a new fire protection licensing framework has occurred since 2015, including work undertaken by the Subcommittee, a previous Fire Protection Working Group and consultation as part of the *Queensland Building Plan 2017*.

The Subcommittee and relevant bodies have been consulted on the Amendment Regulation, including representatives from the Queensland Fire and Emergency Services, National Fire Industry Association, Master Plumbers' Association of Queensland, Fire Protection Association of Australia and the Plumbing and Pipe Trades Employee Union Queensland. Overall, support was received from stakeholders for the Amendment Regulation.

The Office of Best Practice Regulation was consulted and advised that no further regulatory impact assessment is required under the *Queensland Government Guide to Better Regulation*, as the amendments are unlikely to result in significant adverse impacts.