

Building Newsflash

Amendments to the *Building Act 1975* through the *Building and Other Legislation Amendment Bill 2008*

Purpose

The purpose of this Newsflash is to advise that amendments to the *Building Act 1975* through the *Building and Other Legislation Amendment Bill 2008* (BOLA08) were passed in the Queensland Legislative Assembly on 15 April 2008 and are expected to be presented to the Governor for assent for commencement on or before **1 May 2008**.

Background

Building Codes Queensland (BCQ) has a continuous legislative review and improvement program which is linked to stakeholder engagement through its Building and Plumbing Industry Consultative Groups and includes other stakeholder feedback. The amendments to the *Building Act 1975* through BOLA08 are part of this program.

A further Newsflash will confirm the day upon which the BOLA08 amendments of the *Building Act 1975* commence.

Legislation

Building Act 1975

Fire and Rescue Service Act 1990

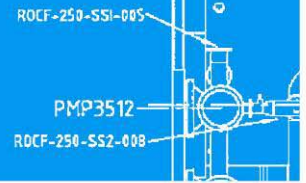
Building Act 1975 amendments

Budget accommodation buildings

BOLA08 will amend section 216 of the *Building Act 1975* to clarify the scope of the definition of 'budget accommodation building' includes share houses with six or more unrelated occupants and boarding houses irrespective of whether meals are provided or the way occupants derive their tenancy or licence to occupy. The definition will continue to exclude buildings used as class 1 dwellings such as groups who have collectively decided to rent share.

This amendment provides certainty for budget accommodation building owners in relation to their obligation to ensure their buildings comply with fire safety standards.

The Queensland Fire and Rescue Service (QFRS) and local government officers have been identifying buildings being used as boarding houses on a weekly basis. The amendment will remove any ambiguity in relation to the definition of 'budget accommodation building' and which buildings are included in compliance programs. The amendment provides greater certainty for local government and QFRS officers in their ongoing fire safety compliance programs.



Temporary buildings

BOLA08 will also amend section 67 of the *Building Act 1975* to require temporary buildings, approved following commencement of the changes, to comply with any specifically applicable building standards in force. Where no such standards are in force, section 67 subsections (1) and (3) of the *Building Act 1975* will apply. This amendment will enable minimum safety and amenity standards for temporary buildings to be introduced through building assessment provisions such as the Queensland Development Code (QDC). A draft standard for temporary accommodation buildings is currently being finalised through a regulatory impact statement (RIS) and further stakeholder consultation. A copy of the draft QDC standard will be available for viewing on the Department's website at www.dip.qld.gov.au once the consultation draft is finalised for the RIS process.

Certificates of classification

Summary of alternative solutions in certificates of classification

Amendments to section 103 will ensure that if a development uses alternative solutions to comply with the building code, the certificate of classification states the materials, systems, methods of building, procedures, specifications and other things required under the alternative solutions. The intention is to provide owners and occupiers with a concise and practical explanation of alternative solutions that may have some operational implications. BCQ will publish a guideline to provide building certifiers with assistance on the format of information that should be included in a certificate of classification.

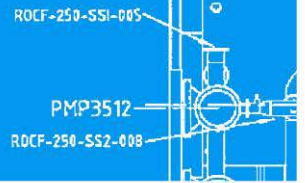
The definition of "fire safety installation" has also been amended. The amendment will ensure that if an alternative solution relating to a fire safety system has been used for a building, the "fire safety installation" includes any **thing** required to comply with the alternative solution. For example, this may include new products with fire retardant properties or special fans to extract smoke. The definition of "fire safety installation" relates to section 104D of the *Fire and Rescue Service Act 1990* which requires fire safety installations to be maintained to a standard of safety and reliability.

Certificates of classification to be displayed

A new section 108A which applies to class 1b to 9 buildings will require a certificate of classification to be on display as near as practical to the main entrance of a building, where a certificate of classification was given on or after 1 July 1997. Only one certificate will need to be on display in each building and there will be a transitional period of one year for owners of buildings to comply where a certificate of classification was given before the commencement of the amendment. If an owner does not know of the requirement or may need to obtain a copy of the certificate of classification, local government and QFRS officers may grant a reasonable time for the owner to produce and display the certificate of classification.

Alternative solutions, conditions of use or occupation and classified uses to be maintained

A new section 114A will require owners to take all reasonable steps to comply with the certificates requirements. Owners and occupiers need to be aware of, and follow, any restrictions on the building's use as well as the requirements of alternative solutions generally so that safety standards are effectively maintained for the life of the building. This will also help ensure the day to day use of the building and any future modifications do not compromise compliance with the building code's performance requirements. The amendments will also ensure that compliance with alternative solutions for fire safety can be effectively monitored by local government and QFRS officers.



Enhancement of enforcement powers

An amended section 256 will allow QFRS officers to enforce compliance with sections 108A and 114A. Therefore, both local government and QFRS officers may enforce the obligations for owners to use buildings in accordance with approved classifications and to follow any conditions placed on the use or occupation of the buildings.

Building surveying technicians

The construction industry boom in Queensland has meant Queensland is currently experiencing a skills shortage in relation to a range of occupations, including building certifiers. An amended s154 will allow local government building surveying technicians to perform the same level of limited certifying functions in all local government areas, as an initial step in responding to the critical shortage of building certifiers. In addition, under an amended section 185, accreditation standards bodies will be able to set accreditation standards for building surveying technicians. This may encourage more technicians to achieve full certifying qualifications by providing a career stepping stone. It may also assist industry practitioners to remain in the industry and undertake a level of work that is proportionate to their skills.

The text of BOLA08 is available at:

http://www.legislation.qld.gov.au/Bill_Pages/Bill_52_08.htm

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