



Building Newsflash

Local Governments

Building Certifiers

Building Designers

Architects

Integrated Planning and Other Legislation Amendment Act 2001 (IPOLA)

Purpose

To advise of changes to legislation following the passing of the *Integrated Planning and Other Legislation Amendment Act 2001* (IPOLA), which was assented to on 19 December 2001.

A number of provisions relevant to building certification commenced on assent. These are contained in sections 62 and 88, and are reproduced below. They clarify that local governments may charge a fee for the lodgement of building documents by private certifiers, and have always had the power to charge for the function.

In addition, changes to the Integrated Development Assessment System (IDAS) contained in the Act, may affect the procedures applicable to the assessment of building work against the *Standard Building Regulation 1993* (SBR).

The other provisions of the Act will commence on a date to be proclaimed, which is expected to be during the first half of 2002, after training has been provided.

New Compliance Stage in IDAS

The IPOLA includes provision for the introduction of a separate assessment stage, called the “compliance stage”. The purpose of this stage is to enable certain development to be dealt with under IDAS more simply and effectively without compromising the benefits of integrated development assessment.

The compliance stage provides a generic process that can be applied to a number of assessments required under the IPA, and may in future be applied to the assessment of building work against the SBR.

Application to building work

The application of compliance assessment to building work would simplify the regulation of the building work assessment process, and reduce the likelihood of administrative mistakes.

Amendment will need to be made to the SBR before the compliance stage is able to be applied to the assessment of building work. Extensive training and information sessions for local governments and building certifiers, will be provided.

New provisions that commenced on 19 December 2001

62 Amendment of the *Integrated Planning Act 1997*, s 5.3.5 (Private certifier may decide certain development applications and inspect and certify certain works)

Section 5.3.5(6) and (7)—
omit, insert—

(6) If the private certifier approves the application, the private certifier must—

(a) within 5 business days after approving the application, give the assessment manager a copy of—

(i) the application; and

(ii) the decision notice or negotiated decision notice; and

(iii) any other documents prescribed under a regulation under this or another Act; and

(b) if the assessment manager is the local government—pay the assessment manager the fee fixed under subsection (8).

(7) If the private certifier issues any certificate required by this or another Act, the private certifier must—

(a) within 5 business days after issuing the certificate, give the assessment manager a copy of the certificate; and

(b) if the assessment manager is the local government—pay the assessment manager the fee fixed under subsection (8).

(8) The local government may, by local law or resolution, fix a reasonable fee for accepting any document mentioned in subsection (6) or (7).

(9) The local government is taken to have always had power, by local law or resolution, to fix a fee mentioned in subsection (8).

(10) Subsection (9) does not affect a decision of a court made before the commencement of the subsection in relation to a particular action about the validity of a fee mentioned in subsection (8) fixed by local law or resolution and imposed on a particular person.

88 Insertion of new s 46A in the *Building Act 1975*

After section 46—
insert—

46A Fees for statutory functions

(1) A local government may, by local law or resolution, fix a reasonable fee in relation to the performance of a function imposed on the local government under this Act.

(2) The local law or resolution must prescribe the person liable to pay the fee.

(3) A local government is taken to have always had power, by local law or resolution, to fix a fee mentioned in subsection (1).

(4) Subsection (3) does not affect a decision of a court made before the commencement of this subsection in relation to a particular action about the validity of a fee mentioned in subsection (1) fixed by local law or resolution and imposed on a particular person.

Contact Officer

A copy of the Act and Explanatory Notes are available on the Department's web site at: www.ipa.qld.gov.au

Please contact Mr John Lamb on (07) 3237 1712 should you require further information regarding this matter.