

# Building newsflash number 416

## Commencement of new Building Act provisions, new on-the-spot fines and revised Queensland Development and Plumbing and Wastewater Codes

### Purpose

To advise of the:

- commencement of remaining parts of the *Building and Other Legislation Amendment Act 2009* (BOLA09)
- amendments to the Queensland Development Code (QDC) Mandatory Part (MP) 4.1 – Sustainable buildings
- amendments to the Queensland Plumbing and Wastewater Code (QPW Code)
- new penalty infringement notices (on-the-spot fines) into the State Penalties Enforcement Regulation 2000 (SPER) to support provisions recently introduced for sustainability declarations, records kept by building certifiers and swimming pool inspections.

### Proclamation of remaining parts of BOLA09

On 19 November 2009 BOLA09 was enacted. It amended a number of Acts and dates for the uncommenced parts have been proclaimed. Part 8 and the schedule which amends the *Plumbing and Drainage Act 2002* (PDA) to introduce the Plumbing Industry Council and provide consequential amendments to the PDA commence on 1 March 2010.

On 31 March 2010 the following provisions of BOLA09 commence:

- Sections 6 and 7 which relate to self-assessable building work provisions under the *Building Act 1975*
- Sections 5 (3), 10, 29, 34 (2) and part 11 which amend the *Building Act 1975* and *Transport Infrastructure Act 1994* to incorporate provisions relating to transport noise corridors, including the designation of transport noise corridors by state and local governments.

### Amendments to QDC MP4.1 – Sustainable buildings and QPW Code

As previously notified in Newsflash 413, the QDC part for Sustainable buildings has been amended to incorporate 5-star energy equivalence requirements for new and renovated units (class 2 buildings). An amendment has also been made to the definition of ‘air-conditioner’ to maintain consistency with the Electricity Regulation 2006. The new version of the QDC commences on 1 March 2010.

Part 7 of the QPW Code has been amended to allow owners of homes in gas reticulated areas to replace an existing electric resistance hot water system with another electric resistance hot water system where the system is replaced under warranty. The new version of the QPW Code commences on 1 March 2010.

Copies of the QDC and QPW Code are available on the department’s website [www.dip.qld.gov.au](http://www.dip.qld.gov.au)

## On-the-spot fines - amendment of SPER

From 1 March 2010, amendments to SPER will commence allowing new on-the-spot fines to be issued by:

- local governments for offences under the *Building Act 1975* by home sellers, such as where a seller fails to prepare a sustainability declaration (\$200 on-the-spot fine)
- the Department of Fair Trading for offences by real estate agents under the *Property Agents and Motor Dealers Act 2000*, such as failing to conspicuously display a sustainability declaration at a home's open inspection (\$200 on-the-spot fine)
- the Queensland Building Services Authority against building certifiers for offences introduced through BOLA09 and the Building and Other Legislation Amendment Regulation (No. 3) 2009, such as obligations for record keeping (\$200 on-the-spot fine) and mandatory follow-up swimming pool fencing inspections (\$500 on-the-spot fine).

## Legislation

*Building Act 1975*

*Building and Other Legislation Amendment Act 2009*

Building Regulation 2006

Building and Other Legislation Amendment Regulation (No.3) 2009

*Property Agents and Motor Dealers Act 2000*

Electricity Regulation 2006

Standard Plumbing and Drainage Regulation 2003

## Contact for further information

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