

Building newsflash number 428

Passage of the Building and Other Legislation Amendment Bill 2010

Purpose

To advise that Parliament passed the *Building and Other Legislation Amendment Bill 2010* (the Bill) on 20 May 2010, containing elements of stage two of the swimming pool safety improvement strategy and amendments to the 'ban the banners' provisions.

Background

Swimming pool safety improvement strategy

Following extensive stakeholder consultation, the Queensland Government approved a two-staged swimming pool safety improvement strategy in 2009, based on recommendations of an independent swimming pool safety review committee. Stage one took effect on 1 December 2009 and applies to new outdoor residential swimming pools.

Stage two is proposed to commence from December 2010 and applies to both new and existing indoor and outdoor swimming pools (including spas) associated with homes, units, hotels, motels, caretaker dwellings (class 1 to 4 buildings) and caravan parks. Proposed key stage two measures include:

- one pool safety barrier code for all pools - regardless of the pool's age, including the phasing out of child-resistant doors used as a barrier, with a five-year phase-in period unless the property is sold or leased first
- a mandatory safety inspection and certificate from a licensed pool safety inspector before a property with a pool covered by state law can be sold or leased.

The Bill establishes:

- the pool safety inspector licensing system
- requirements for eligible pool safety inspector course providers
- a Pool Safety Council to oversee the pool safety inspector system
- a state-based swimming pool register

Visit www.legislation.qld.gov.au to access The Bill online. A further Bill is proposed later this year to implement the remaining stage two measures, including the mandatory sale and lease inspection system.

The primary functions of the Pool Safety Council are to oversee the pool safety inspector licensing system, approve pool safety inspector courses and maintain the pool register.



The Department is currently working with training providers to finalise courses for prospective pool safety inspectors. Further information about courses will be provided soon. Local Government officers and others interested in becoming a licensed pool safety inspector, may register their interest with the Department to receive targeted updates, or they may subscribe to newsflashes using the email address or phone number below.

Under the transitional provisions in the Bill, licensed building certifiers are automatically taken to be licensed pool safety inspectors for the first year, after which they may choose to renew their licence as a pool safety inspector.

Complementary matters currently under development include:

- developing the state-based register for pools and pool safety inspectors
- developing supporting regulations, approved forms and guidelines
- finalising a code of conduct for pool safety inspectors
- developing a final exam for prospective pool safety inspectors
- finalising amendments to Queensland Development Code part MP 3.4 to cover the range of pools included in the stage two measures
- establishing the Pool Safety Council members and staff

‘Ban the banners’ amendments

The ‘ban the banner’ provisions have been amended following ongoing consultation with industry and community stakeholders. The Bill:

- removes a number of amenity related prohibitions and restrictions on covenants and by-laws, including:
 - minimum number of garages
 - minimum roof pitch
 - external surface finishes and materials
 - completion timeframes for building, landscaping, fencing, and driveways
 - occupation restrictions before landscaping, fencing and driveways are completed
- amends prohibitions and restrictions on covenants and by-laws relating to:
 - house orientation so that a developer can require an orientation for energy efficiency purposes
 - minimum floor areas, so that covenants and by-laws may require a minimum frontage unless this results in a less energy efficient building
- does not change prohibitions or restrictions on covenants and by-laws for:
 - minimum number of bathrooms or bedrooms
 - solar hot water systems
 - photovoltaic cells
 - dark roof colour
 - energy-efficient windows and window treatments.



Other amendments in the Bill

The Bill also amends the *Urban Land Development Authority Act 2007*, *Land Title Act 1994* and *Royal National Agricultural and Industrial Association of Queensland Act 1971*.

Contact for further information

To register for updates on becoming a licensed pool safety inspector, please contact:

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