Building and Plumbing Newsflash 601

Building and Other Legislation Amendment Act 2022

Purpose

To advise of the passage and commencement of the Building and Other Legislation Amendment Act 2022 (the BOLA Act).

Background

On 25 May 2022, the Building and Other Legislation Amendment Bill 2022 (the Bill) was passed by the Queensland Parliament and on 10 June 2022, the Bill was enacted.

The Bill represents the next step in the Queensland Building Plan and its 2021 update, as it continues to modernise Queensland's building and construction legislation and ensures the regulatory framework continues to meet consumer and industry expectations.

The Bill amends a range of building-related legislation, being the:

- *Architects Act 2002*, *Building Act 1975*
- *Building Industry Fairness (Security of Payment) Act 2017*
- *Building Industry Fairness (Security of Payment) Regulation 2018*
- *Building Industry Fairness (Security of Payment) and Other Legislation Amendment Act 2020*
- *Planning Act 2016*
- *Plumbing and Drainage Act 2018*
- *Professional Engineers Act 2002*
- *Queensland Building and Construction Commission Act 1991*.

Key amendments in the Bill include:

- addressing emerging construction trends including the **positioning of residential solar infrastructure** (e.g., clarifying the existing *'ban the banners'* provisions so that a developer covenant cannot limit where solar panels may be located on the roof of a home), **greywater reuse** and **wastewater disposal**
- **improving the operation of the regulatory framework** and empowering the Board of Architects of Queensland, Board of Professional Engineers of Queensland and Queensland Building and Construction Commission (QBCC) to effectively and efficiently discharge their functions (e.g., the Bill augments existing local government powers by ensuring the **QBCC can also prosecute offences related to combustible cladding checklist obligations**)
- **retaining an existing licensing exemption for head contractors**, subject to key amendments to address industry concerns.

Further details in relation to the **positioning of residential solar infrastructure** (i.e., 'ban the banners' provisions) are included in Newsflash 602.

In relation to the head contractor licensing exemption, the amendments provide the Government with flexibility to ensure that emerging security of payment and building quality and safety concerns

can be addressed by regulation. This seeks to balance all concerns and reflects the agreement reached with key industry stakeholders during consultation. The Department of Energy and Public Works will continue to engage with industry before developing any proposed regulation.

These legislative amendments commenced on assent (i.e., on 10 June 2022).

More information

Information on the Act and explanatory notes, including the Committee's report and Government's response, can be found on:

- the Queensland Government's legislation website
- the Queensland Parliament's website here.

Contact us

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