

A BRIEF QUEENSLAND REGULATORY HISTORY – V5

Fire and Security Consulting Services (FSCS) is frequently consulted on the history of Building Regulations in Queensland. This paper provides a brief history and this version (V5), identified by a revision bar, expands on the period between 1975 and 1990.

Prior to 1975

In the building regulatory area, Australia has historically had strongly individual and substantially different systems in each of the 6 states and 2 territories.

The Constitution of the Commonwealth of Australia in 1901 sets out the roles, responsibilities and powers of the Commonwealth Government. By standard convention, those matters, which are not mentioned in the Australian Constitution, remain the responsibility of the states.

As the Constitution does not mention matters regarding the safety, health and amenity of people in buildings, responsibility for them rests with the state and territory governments. This has led to 8 separate Acts of Parliament, one for each of the states and territories.

Because of a range of differences between the Building Acts, this led to 8 quite distinct building regulatory systems. Indeed, at various times it has been even more complex. Some states passed on many of their building regulatory powers to their municipal councils, which effectively enacted their own building regulatory systems by way of council by-laws - and there have been times when Australia has had over 900 local councils.

The complexity of Australia's building regulatory system provided a legislative maze for building practitioners to work through. However, after World War II several of the states started to establish more uniform technical building requirements, and those states which delegated their primary responsibilities to municipal councils started to reclaim control. This led a number of people to start thinking about the benefits of having a National-wide set of building regulations. These people first met in the early 1960's, and in 1965 they negotiated the establishment of the Interstate Standing Committee on Uniform Building Regulations (ISCUBR). ISCUBR was basically an agreement between the state administrations responsible for building regulatory matters to pool their resources for the benefit of all states.

ISCUBR's first work was to draft a model technical code for building regulatory purposes. The document was referred to as the "Australian Model Uniform Building Code" (AMUBC), and was firstly released in the early 1970's.

The AMUBC contained proposals for both technical matters and some administrative matters which were based on the then Local Government Act of one of the states (New South Wales). The intention was that states could use the AMUBC as a model for their own building regulations. However, variation from the model was considerable, with many states choosing to follow their own administrative requirements, some states still leaving the matter to their municipal councils. The most significant variation was that states changed the provisions in accordance with their perceptions of local needs.

1975 to 1991

In Queensland, the enactment of the Building Act on May 15th 1975 established Queensland's first formal regulatory system controlling the construction of buildings. This Act contained various appendices one of which was the "Standard Building By-laws" which adopted the technical requirements from AMUBC and which was regularly amended to reflect changes in AMUBC.

Many of the AUBRC developments came from the United Kingdom in the form of BS5588 - **Fire Precautions In The Design, Construction And Use Of Buildings - 1978**, which in several parts addressed the design and implementation of fire safety features including Fire Services access and equipment as listed below.

Part 0	General
Part 1	Code of practice for residential buildings
Part 4:	Code of practice for smoke control in protected escape routes using pressurisation
Part 5	Code of practice for Access and facilities for fire-fighting
Part 6	Code of practice for places of assembly
Part 7	Code of practice for the incorporation of atria in buildings
Part 8	Code of practice for means of escape for disabled people
Part 9	Code of practice for ventilation and air conditioning ductwork
Part 10	Code of practice for shopping complexes
Part 11	Code of practice for shops, offices, industrial, storage and other similar buildings
Part 12	Code of practice for Managing Fire Safety

You can see many of the British Standards technical requirements copied word for word in the Standard Building By-Laws.

Original Act - Building Act 1975 No. 11

The original Building Act incorporated the enabling legislation and associated Standard Building By-Laws provided comprehensive technical prescriptive requirements for building construction and services. The Act was in force until 1990 when Queensland adopted the Building Code of Australia. Note that the Building Act 1975 is still the enabling legislation for adoption of technical provisions. For instance, up to 1989 the technical provisions were the Standard Building By-Laws and in 1990 onwards, the technical provisions were the Building Code of Australia.

Adoption of the Act was published in the Queensland Government Gazette thus:-

[Vol 1975 p 41] date of assent 15 May 1975 pts 5–6 and 8 and sch commenced 1 April 1976 (proc pubd gaz 6 March 1976 p 886) remaining provisions commenced 31 May 1975 (proc pubd gaz 31 May 1975 p 748)

Amending legislation

Amending Legislation and associated amendments were gazetted from time to time. The list below is taken from the schedule of Amendments contained in the current (2013) Building Act 1975 up to 1990.

Building Act Amendment Act 1978 No. 47 [Vol 1978 p 356] date of assent 12 June 1978 commenced 21 September 1978 (proc pubd gaz 23 September 1978 p 245)

Building Act Amendment Act 1981 No. 53 [Vol 1981 p 453] date of assent 12 June 1981 ss 1–2 commenced on date of assent remaining provisions commenced 29 June 1981 (proc pubd gaz 27 June 1981 p 1710)

Building Act Amendment Act 1984 No. 45 [Vol 1984 p 467] date of assent 10 May 1984 ss 1–2 commenced on date of assent ss 3, 5(c), 17, 23, 25 and 26 commenced 7 July 1984 (proc pubd gaz 7 July 1984 p 1608) remaining provisions commenced 2 June 1984 (proc pubd gaz 2 June 1984 p 987)

Building Act Amendment Act 1984 (No. 2) No. 114 [Vol 1984 p 1457] date of assent 18 December 1984 ss 1–2 commenced on date of assent remaining provisions commenced 2 March 1985 (proc pubd gaz 23 February 1985 p 942)

Building Act Amendment Act 1987 No. 69 [Vol 1987 p 954] date of assent 1 December 1987 ss 1–2 commenced on date of assent remaining provisions commenced 28 March 1988 (proc pubd gaz 26 March 1988 p 1735)

*Building Act Amendment Act 1991 No. 52 [Vol 1991 p 1286] date of assent 10 September 1991 ss 1.1–1.2 commenced on date of assent. **This amendment adopted BCA90 and repealed the Standard Building By-Laws technical provisions in the Act.***

1991 – 2004

In June 1991, under the enabling legislation of the Building Act 1975, Queensland enacted the Standard Building Regulation (SBR) (1991), including later amendments which enabled adoption of other Standards and Codes including the Building Code of Australia (BCA) BCA90 (1990).the logical progression of the Australian Model Uniform Building Code. Whilst BCA90 had numerous State variations in the appendices, the BCA enabled increased uniformity of construction and Certification across Australia.

In July 1997, the SBR adopted BCA96,

Through to May 2004 when BCA2004 was adopted, BCA96 had numerous Amendments (13 in total) as the various States agreed on further uniformity. From BCA2004, a yearly Building Code (BCA 2005, 2006 etc) was published.

In 2006 Queensland enacted the Building Regulation (BR) (2006), which superceded the SBR 1993 and enabled continuing adoption of various standards and Codes.

Throughout his period the Fire Code Reform Centre developed new ideas and reviewed International legislation and where applicable, it was adopted into the ongoing amendment process of the BCA.

I trust that this paper provides information that you will find helpful.

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