

Queensland



Subordinate Legislation 1993 No. 325

*Queensland Building Services Authority Act 1991*

**QUEENSLAND BUILDING SERVICES  
AUTHORITY AMENDMENT REGULATION  
(No. 2) 1993**

**TABLE OF PROVISIONS**

Section	Page
1 Short title . . . . .	3
2 Amended regulation . . . . .	3
3 Amendment of s.3 (Interpretation) . . . . .	3
4 Insertion of new ss.4A–4C . . . . .	3
4A Financial requirements included in Board’s published policy . . . . .	3
4B Financial requirements to be reasonable . . . . .	3
4C Public interest considerations . . . . .	4
5 Replacement of s.7 (Requirements for contractor’s licence (s.31 of the Act)) . . . . .	4
7 Requirements for contractor’s licence—individual (s.31 of the Act) . . . . .	4
7A Requirements for contractor’s licence—company (s.31 of the Act) . . . . .	5
6 Replacement of s.8 (Requirements for supervisor’s licence (s.32 of the Act)) . . . . .	6
8 Requirements for supervisor’s licence (s.32 of the Act) . . . . .	6
7 Amendment of s.9 (Application for a licence (s.33 of the Act)) . . . . .	6
8 Omission of s.10 (Exemption from prescribed requirements (s.34 of the Act)) . . . . .	7
9 Amendment of s.11 (Renewal of licence (ss.37 and 38 of the Act)) . . . . .	7

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10	Amendment of s.30 (Fees (s.115 of the Act)) . . . . .	7
11	Amendment of s.31 (Transitional provision) . . . . .	7
12	Amendment of Schedule 1 (Fees) . . . . .	8
13	Amendment of Schedule 2 (Classes of licences and licence requirements) . . . . .	8

**Short title**

1. This regulation may be cited as the *Queensland Building Services Authority Amendment Regulation (No. 2) 1993*.

**Amended regulation**

2. The *Queensland Building Services Authority Regulation 1992* is amended as set out in this regulation.

**Amendment of s.3 (Interpretation)**

3. Section 3(1)—

*insert—*

‘**“published policy”** of the Board means a policy made by the Board under section 9 of the Act;’.

**Insertion of new ss.4A–4C**

4. After section 4—

*insert—*

**‘Financial requirements included in Board’s published policy**

‘**4A.(1)** The Board may set out in a published policy the financial requirements that apply to an applicant for a contractor’s licence.

‘**(2)** The Board must keep copies of the part of its published policy containing the financial requirements available for inspection by any person, during office hours on business days, at—

- (a) the Authority’s head office; and
- (b) each regional office of the Authority.

**‘Financial requirements to be reasonable**

‘**4B.(1)** The financial requirements must be reasonable having regard to—

- (a) the class of the licence; and
- (b) the value of building work authorised to be undertaken by the licence; and
- (c) any other relevant matter.

‘(2) The requirements may include 1 or more of the following—

- (a) that the applicant must have net realisable assets of a specified amount;
- (b) that the applicant must give a bank guarantee of a specified amount;
- (c) that the applicant must have a current professional indemnity insurance policy of a specified amount;
- (d) if the applicant is a company—that the directors of the company must give a guarantee in a specified form and of a specified amount;
- (e) if the applicant is a company that is a subsidiary of another company—that the other company must give a guarantee in a specified form and of a specified amount.

#### **‘Public interest considerations**

‘4C. In considering whether a matter is in the public interest in relation to a company, the Authority must have regard to any charitable or community activities of the company.’.

#### **Replacement of s.7 (Requirements for contractor’s licence (s.31 of the Act))**

5. Section 7—

*omit, insert—*

#### **‘Requirements for contractor’s licence—individual (s.31 of the Act)**

‘7.(1) An individual applying for a contractor’s licence must have—

- (a) the qualifications and experience set out in Schedule 2 for the relevant class of licence; or

- (b) other qualifications and experience that the Authority is satisfied are sufficient to enable the individual to carry out or supervise the relevant class or classes of building work.

‘(2) The individual also must satisfy—

- (a) the financial requirements set out in the Board’s published policy for the relevant class of licence; or
- (b) other less onerous financial requirements determined by the Authority in relation to the individual.

‘(3) Subsection (2) does not apply to an individual if the Authority determines that no financial requirements are required to be satisfied by the individual.

‘(4) In making a determination under subsection (2)(b) or (3), the Authority must have regard to—

- (a) the financial resources of the individual; and
- (b) the class of licence.

‘(5) A determination of the Authority must be in writing.

**‘Requirements for contractor’s licence—company (s.31 of the Act)**

‘7A.(1) A company applying for a contractor’s licence must satisfy—

- (a) the financial requirements set out in the Board’s published policy for the relevant class of licence; or
- (b) other less onerous financial requirements determined by the Authority in relation to the company.

‘(2) Subsection (1) does not apply to a company if the Authority determines that no financial requirements are required to be satisfied by the company.

‘(3) The Authority may make a determination under subsection (1)(b) or (2) only if it considers it would be in the public interest to make the determination.

‘(4) A determination of the Authority must be in writing.’.

**Replacement of s.8 (Requirements for supervisor's licence (s.32 of the Act))**

6. Section 8—

*omit, insert—*

**'Requirements for supervisor's licence (s.32 of the Act)**

'8. An applicant for a supervisor's licence must have—

- (a) the same qualifications and experience as are required of an individual who applies for a contractor's licence of the corresponding class; or
- (b) other qualifications and experience that the Authority is satisfied are sufficient to enable the individual to supervise the relevant class or classes of building work.'

**Amendment of s.9 (Application for a licence (s.33 of the Act))**

7. Section 9—

*insert—*

'(1A) Subsection (1)(e) does not apply to an application—

- (a) if the Authority is satisfied on reasonable grounds that payment of the fees by the applicant would cause, or would be likely to cause, the applicant to suffer undue financial hardship; or
- (b) if—
  - (i) the applicant is a company; and
  - (ii) the Authority considers that payment of the fees would not be in the public interest; or
- (c) if—
  - (i) the applicant is making an application for a supervisor's licence for the purpose of being a company's nominated supervisor; and
  - (ii) the company has not had a nominated supervisor previously; and

- (iii) the supervisor's licence is not of a class corresponding to a contractor's licence of class 1 or 2.'.

**Omission of s.10 (Exemption from prescribed requirements (s.34 of the Act))**

8. Section 10—

*omit.*

**Amendment of s.11 (Renewal of licence (ss.37 and 38 of the Act))**

9.(1) Section 11—

*insert—*

**'(3A)** However, the licence fee is not required to be paid—

- (a) if the Authority is satisfied on reasonable grounds that payment of the fee by the applicant would cause, or would be likely to cause, the applicant to suffer undue financial hardship; or
- (b) if—
- (i) the applicant is a company; and
  - (ii) the Authority considers that payment of the fee would not be in the public interest.'.

(2) Section 11(5)—

*omit* 'payable under', *insert* 'mentioned in'.

**Amendment of s.30 (Fees (s.115 of the Act))**

10. Section 30 (heading)—

*omit* '(s.115 of the Act)'.

**Amendment of s.31 (Transitional provision)**

11. Section 31(5)(b)—

*omit, insert—*

- ‘(b) in relation to the preparation of plans or specifications for the performance of building work—1 January 1994;
- (c) in relation to any other class of building work—1 September 1993.’.

### **Amendment of Schedule 1 (Fees)**

**12.(1)** Schedule 1, clause 2—

*omit* ‘Application’, *insert* ‘Annual’.

**(2)** Schedule 1, clause 6—

*omit, insert*—

**‘6.** Insurance premium—

- (a) for a licensed contractor whose licence bears an endorsement signifying that the licensee may enter into contracts with consumers to carry out residential construction work covered by the statutory insurance scheme—

- (i) if the value of the proposed residential construction work is not more than \$10 000 . . . 110.00

- (ii) if the value of the proposed residential construction work is more than \$10 000 . . . . . 262.00

- (b) for any other contractor . . . . . nil’.

### **Amendment of Schedule 2 (Classes of licences and licence requirements)**

**13.(1)** Schedule 2, Parts 1 and 2, clause 5 (in each Part)—

*omit, insert*—

#### **‘Financial requirements**

**‘5.** The relevant financial requirements set out in the Board’s published policy.’.

**(2)** Schedule 2, Parts 3 to 25, clause 6 (in each Part)—

*omit, insert*—



**‘Financial requirements**

‘6. The relevant financial requirements set out in the Board’s published policy.’

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## ENDNOTES

1. Made by the Governor in Council on 26 August 1993.
2. Notified in the Gazette on 27 August 1993.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Queensland Building Services Authority.