



Queensland

# Queensland Building Services Authority and Other Legislation Amendment Regulation (No. 1) 2004

## Subordinate Legislation 2004 No. 294

made under the

*Domestic Building Contracts Act 2000*

*Queensland Building Services Authority Act 1991*

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Queensland Building Services Authority and Other Legislation Amendment Regulation (No. 1) 2004*.

## **Part 2 Amendment of Queensland Building Services Authority Regulation 2003**

### **2 Regulation amended in pt 2**

This part amends the *Queensland Building Services Authority Regulation 2003*.

### **3 Insertion of new s 34B**

After section 34A—

*insert—*

#### **‘34B Interest**

- ‘(1) For section 77(2)(c)<sup>1</sup> of the Act, interest is payable on the amount of damages awarded—
- (a) if the parties have entered into a contract—at the rate specified under the contract; or
  - (b) at the rate agreed between the parties; or
  - (c) otherwise—at the rate of 10%.
- ‘(2) The interest is payable on and from the day after the day that the amount became payable until and including the day the amount is paid.’.

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<sup>1</sup> Section 77 (Tribunal may decide building dispute (s 93 QBTA)) of the Act

#### **4 Amendment of sch 1A (Board's policies)**

- (1) Schedule 1A, heading—

*omit, insert—*

#### **'Schedule 1A Board's policies approved under section 9A of the Act'.**

- (2) Schedule 1A—

*insert—*

'7 Important Notice to Contractor Repealing Policy<sup>2</sup> made by the board on 16 September 2004'.

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

- (1) Schedule 2, part 9, section 3(b)—

*omit, insert—*

'(b) successful completion of a Diploma in Landscaping RUH 5 04 98, including the following competencies—

- (i) Operate Within a Budget Framework TRC 4911A;
- (ii) Cost a Project RTC 4905A;
- (iii) Establish and Maintain the Enterprise OHS Program RTC 5701A;
- (iv) Prepare Estimates, Quotes and Tenders RTC 5908A;
- (v) Negotiate and Monitor Contracts/Commercial Agreements RTE 5920A;
- (vi) Prepare Budgets and Financial Plans BSBMGT 503A;
- (vii) Monitor and Manage Business Operations BSBSBM 405A;

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<sup>2</sup> The policy being repealed was a general policy in force under the Act before the commencement, on 5 May 2003, of the *Queensland Building Services Authority and Other Legislation Amendment Act 2003*, section 6. See section 26 of schedule 1 of the Act.

- (viii) Monitor and Review Business Performance RTE 5906A;
  - (ix) Manage Landscape Projects RTF 5004A;
  - (x) Prepare a Landscape Project Design RTF 5010A;’.
- (2) Schedule 2, part 15, section 3(a)(ii)—  
*omit, insert—*
- ‘(ii) Certificate III in Furniture Making (Cabinetmaking) LMF30402 including competency Install Furnishing Products LMFFM3006A;’.
- (3) Schedule 2, part 32, section 3(a)—  
*omit, insert—*
- ‘(a) successful completion of the course Certificate III in Civil Construction (Foundation Work) BCC30403;’.
- (4) Schedule 2, part 35, section 3(1)(b)—  
*omit, insert—*
- ‘(b) successful completion of the competency Conduct Site Assessment and Design Site Sewage facilities DWM003 from Certificate IV in Domestic Wastewater Management Course 39105 QLD or a competency the authority considers is at least equivalent to the DWM003 competency.’.
- (5) Schedule 2, part 48, section 3(1)(b)—  
*omit, insert—*
- ‘(b) successful completion of the competency Conduct Site Assessment and Design Site Sewage facilities DWM003 from Certificate IV in Domestic Wastewater Management Course 39105 QLD or a competency the authority considers is at least equivalent to the DWM003 competency.’.
- (6) Schedule 2, part 51, section 3(a), subparagraphs (i) to (x)—  
*omit, insert—*
- ‘(i) either—

- (A) Lay Paving RTF 2208A; or
- (B) Lay Segmental/Unit Paving BCG 3115A;
- (ii) either—
  - (A) Construct Low Profile Timber or Modular Retaining Walls RTF 2204A; or
  - (B) Implement a Retaining Wall Project RTF 3221A;
- (iii) Install Drainage System RTE 3603A;
- (iv) Set Out Site for Construction Work RTF 3217A;
- (v) Construct Concrete Structures and Features RTF 3204A;
- (vi) Erect Timber Structures and Features RTC 3206A;
- (vii) Construct Brick and/or Block Structures and Features RTF 3203A;
- (viii) Construct Block or Stone Structures and Features RTF 3208A;
- (ix) Install Metal Structures and Features RTF 3216A;
- (x) Install Water Features RTF 3216A;’.

## 6 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definition ‘*insurance statement*’—  
*omit.*
- (2) Schedule 3—  
*insert—*  
‘***insurance information statement***, about land, means a written statement about—
  - (a) whether there is a policy of insurance in force under the Act in relation to residential construction work on the land; and
  - (b) if there is a policy in force, whether any claim has been made under the policy and the amount, if any, paid out on the claim.



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