



Queensland

# Queensland Building Services Authority and Other Legislation Amendment Regulation (No. 2) 2009

## Subordinate Legislation 2009 No. 243

made under the

*Building and Construction Industry Payments Act 2004*

*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. 2) 2009*.

### **2 Commencement**

The following commence on 1 December 2009—

- (a) section 8(1) to (3);
- (b) section 9.

## **Part 2 Amendment of Building and Construction Industry Payments Regulation 2004**

### **3 Regulation amended**

This part amends the *Building and Construction Industry Payments Regulation 2004*.

### **4 Amendment of sch 1 (Adjudication qualification)**

- (1) Schedule 1, part 1—

*insert—*

‘7 Able Adjudication Pty Ltd ACN 134 663 933’.

- (2) Schedule 1, part 2, item 14, ‘decision’—

*omit, insert—*

‘determination’.

- (3) Schedule 1, part 2, item 17, ‘Assessment–Examination’—  
*omit, insert—*  
‘Assessment 1–Examination’.

## **Part 3                              Amendment of Domestic Building Contracts Regulation 2000**

### **5                      Regulation amended**

This part amends the *Domestic Building Contracts Regulation 2000*.

### **6                      Insertion of new s 2A**

After section 2—

*insert—*

#### **‘2A                      Prescribed matters for Act, s 27(2)(h)**

‘For the Act, section 27(2)(h), the contract must not contain a provision that—

- (a) is contrary to the QBSA Act; or  
(b) purports to exclude, limit or otherwise change the effect of a provision of the QBSA Act.

*Examples—*

- 1 A contractual provision that deems a direction under the QBSA Act, section 72 given to a construction manager or other building contractor to be a direction given to someone else.
- 2 A contractual provision that requires a building owner to indemnify a construction manager or other building contractor against all liabilities and costs that may arise if a direction under the QBSA Act, section 72 is given to a construction manager or other building contractor.’.

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## Part 4 **Amendment of Queensland Building Services Authority Regulation 2003**

### 7 **Regulation amended**

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

### 8 **Amendment of s 5 (Work that is not building work)**

- (1) Section 5(1)(b), 'less than \$1100'—  
*omit, insert—*  
'\$3300 or less'.
- (2) Section 5(1)(b)(iii), '\$1100 or more'—  
*omit, insert—*  
'more than \$3300'.
- (3) Section 5(1)(b)—  
*insert—*  
'(iv) the work is within the scope of work of a licence provided for in schedule 2, part 35 and the value of the work is more than \$1100;'.  
(4) Section 5(1)(x), after 'including'—  
*insert—*  
'luggage, mail or'.  
(5) Section 5(1)—  
*insert—*  
'(zq) work consisting of installation of insect screens, other than—
  - (i) screens used for security; and

- (ii) screens used for a particular material or system designed for the prevention of termite infestation;
  - (zr) work consisting of line marking;
  - (zs) work performed by a fire safety adviser under the *Building Fire Safety Regulation 2008*.
- (6) Section 5(5)—  
*insert*—  
**‘agency of the State** includes the following—
- (a) a department;
  - (b) a government owned corporation;
  - (c) an entity established under an Act.’.
- (7) Section 5(5), definition *busway*, paragraph (c)—  
*omit, insert*—  
‘(c) a causeway or culvert in, on, or under a busway that is associated with the busway; and
- (d) a structure in, on, or under a busway that is associated with the busway.’.
- (8) Section 5(5), definition *road*, paragraph (b)(ii)—  
*omit, insert*—
- (ii) a causeway or culvert in, on, or under a road that is associated with the road; and
  - (iii) a structure in, on, or under a road that is associated with the road.’.

## **9 Amendment of s 8 (Scope of work for a licence—*incidental work of another class*)**

Section 8(2), ‘less than \$1100’—

*omit, insert*—

‘\$3300 or less’.

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**10 Insertion of new s 21A**

After section 21—

*insert—*

**‘21A Exceptional circumstances for granting application for permit—Act, s 44B(4)(a)**

‘For the Act, section 44B(4)(a), the following are exceptional circumstances—

- (a) the work to be carried out would help an applicant who is suffering from a serious medical condition;
- (b) the work to be carried out would help a person who is living with the applicant and suffering from a serious medical condition;
- (c) the work to be carried out would help an applicant who is suffering severe financial hardship;
- (d) the work to be carried out would help a person who is living with the applicant and suffering severe financial hardship.’.

**11 Amendment of s 43 (Licences that may be held and renewed after commencement—Act, s 30)**

Section 43(1), ‘building restricted to renovations—wet areas’, ‘carpentry restricted to internal finishes’, ‘carpentry restricted to outdoor construction’, ‘concreting restricted to underpinning and foundation repairs’, ‘painting restricted to new domestic buildings’, ‘painting restricted to repainting domestic buildings’—

*omit.*

**12 Insertion of a new pt 7, div 5**

After section 53—

*insert—*

**‘Division 5**                      **Transitional provisions for  
Queensland Building Services  
Authority Amendment Regulation  
(No. 2) 2009**

**‘54**      **Definition for div 5**

‘In this division—

*existing licence* means a licence of a class specified in section 43.

**‘55**      **Existing licence automatically transitions to licence class**

‘(1) This section applies to a licensee who immediately before the commencement held an existing licence for a class mentioned in column 1 of the following table (the *column 1 licence*)—

**Table**

	<b>Column 1</b>	<b>Column 2</b>
1	Building restricted to renovations—wet areas	Builder restricted to kitchen, bathroom and laundry installation
2	Carpentry restricted to internal finishes	Joinery
3	Carpentry restricted to outdoor construction	Structural landscaping (trade)
4	Concreting restricted to underpinning and foundation repairs	Foundation work (piling and anchors)
5	Painting restricted to new domestic buildings	Painting and decorating
6	Painting restricted to repainting domestic buildings	Painting and decorating



‘(2) The licensee is taken to be a licensee for a licence of a class mentioned in column 2 of the table shown opposite the column 1 licence.

**‘56 Existing licence combination automatically transitions to licence class**

‘(1) This section applies to a licensee who immediately before the commencement held an existing licence for all classes mentioned in an item in column 1 of the following table (the *column 1 licence combination*)—

**Table**

	<b>Column 1</b>	<b>Column 2</b>
1	Carpentry (formwork); and Carpentry restricted to framing	Carpentry
2	Carpentry (formwork); and Carpentry restricted to framing; and Carpentry restricted to lattice and other timber work	Carpentry
3	Carpentry restricted to outdoor construction; and Carpentry restricted to lattice and other timber work	Structural landscaping (trade)
4	Carpentry restricted to outdoor construction; and Structural landscaping restricted to fences	Structural landscaping (trade)
5	Carpentry restricted to outdoor construction; and Carpentry restricted to lattice and other timber work; and Structural landscaping restricted to fences	Structural landscaping (trade)

	<b>Column 1</b>	<b>Column 2</b>
6	Floor finishing and covering restricted to floor sanding and finishing—timber floors; and Floor finishing and covering restricted to install floating flooring; and Floor finishing and covering restricted to install parquetry flooring	Floor finishing and covering (hard sector)
7	Floor finishing and covering restricted to floor sanding and finishing—timber floors; and Floor finishing and covering restricted to install cork flooring; and Floor finishing and covering restricted to parquetry flooring	Floor finishing and covering (hard sector)
8	Floor finishing and covering restricted to install floating flooring; and Floor finishing and covering restricted to install cork flooring; and Floor finishing and covering restricted to install parquetry flooring	Floor finishing and covering (hard sector)
9	Floor finishing and covering restricted to floor sanding and finishing—timber floors; and Floor finishing and covering restricted to install floating flooring; and Floor finishing and covering restricted to install strip flooring (non-structural)	Floor finishing and covering (hard sector)

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<b>Column 1</b>	<b>Column 2</b>
10 Floor finishing and covering restricted to floor sanding and finishing—timber floors; and Floor finishing and covering restricted to install parquet flooring; and Floor finishing and covering restricted to install strip flooring (non-structural); and A column 1 licence combination mentioned in items 6 to 9; and A floor finishing class	Floor finishing and covering (hard sector)
11 Painting restricted to new domestic buildings; and A painting class	Painting and decorating
12 Painting restricted to repainting domestic buildings; and A painting class	Painting and decorating
13 Plastering drywall restricted to wallboard fixing; and Plastering drywall restricted to plaster setting; and Plastering drywall restricted to cornice fixing	Plastering drywall
14 Plastering drywall restricted to wallboard fixing; and Plastering drywall restricted to plaster setting; and Plastering drywall restricted to cornice fixing; and A plastering class	Plastering drywall

‘(2) The licensee is taken to be a licensee for a licence of a class mentioned in column 2 of the table shown opposite the column 1 licence combination.

‘(3) In this section—

***floor finishing class*** means 1 or more of the following—

- (a) floor finishing and covering restricted to floor sanding and finishing—timber floors;
- (b) floor finishing and covering restricted to install floating flooring;
- (c) floor finishing and covering restricted to install strip flooring (non-structural);
- (d) floor finishing and covering restricted to seamless flooring;
- (e) floor finishing and covering restricted to install cork flooring;
- (f) floor finishing and covering restricted to install parquetry flooring.

***painting class*** means 1 or more of the following—

- (a) painting restricted to new domestic buildings;
- (b) painting restricted to repainting domestic buildings;
- (c) painting restricted to roof painting;
- (d) painting restricted to special finishes.

***plastering class*** means 1 or more of the following—

- (a) plastering drywall restricted to cornice fixing;
- (b) plastering drywall restricted to partition installation;
- (c) plastering drywall restricted to plaster setting;
- (d) plastering drywall restricted to suspended ceiling fixing;
- (e) plastering drywall restricted to wallboard fixing.

**‘57 Licence subject to a condition or endorsement**

- ‘(1) This section applies if a licensee held an existing licence subject to a condition or endorsement immediately before the commencement.
- ‘(2) The licence is taken to be subject to the same condition or endorsement whether or not the licensee is taken to be a licensee for a licence of a different class because of this division.

**‘58 Portable fire equipment and hose reels licence class qualification**

- ‘(1) This section applies if a person gives the authority evidence that—
  - (a) the person was enrolled in the competency unit called ‘Service portable fire extinguishers in the workshop PRMPFES14B’ (the *competency unit*) before the commencement; and
  - (b) the person successfully completed the competency unit before 1 January 2011.
- ‘(2) The person is taken to have satisfied the technical qualification mentioned in—
  - (a) schedule 2, part 28, section 3(2)(a)(iii); and
  - (b) schedule 2A, part 8, section 3(2)(a)(iii).’.

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

- (1) Schedule 2, part 4, section 2(4)(a)—  
*omit, insert—*
  - ‘(a) a completed building inspection for an interested party;  
or’.
- (2) Schedule 2, part 4, section 2—  
*insert—*

‘(5) In this section—

*interested party*, for a building, means a party or prospective party to a contract of sale for the building.’

(3) Schedule 2, part 5, section 2(4)(a)—

*omit, insert—*

‘(a) a completed building inspection for an interested party;  
or’.

(4) Schedule 2, part 5, section 2—

*insert—*

‘(5) In this section—

*interested party*, for a building, means a party or prospective party to a contract of sale for the building.’

(5) Schedule 2, part 6, section 2(2)(a)—

*omit, insert—*

‘(a) a completed building inspection for an interested party;  
or’.

(6) Schedule 2, part 6, section 2(5)—

*insert—*

*‘interested party*, for a building, means a party or prospective party to a contract of sale for the building.’

(7) Schedule 2, part 14, section 2—

*omit, insert—*

## ‘2 **Scope of work**

‘A completed building inspection, including an inspection and preparation of a report in accordance with Australian Standard 4349.1 ‘Inspection of Buildings-Property Inspections-Residential Buildings.’

(8) Schedule 2, part 15, section 3(a)(i) and (ii)—

*omit, insert—*

- 
- ‘(i) an apprenticeship in cabinet making including competency Install furnishing products LMFFM3006B;
- (ii) Certificate III in Cabinet Making LMF32109 including competency Install furnishing products LMFFM3006B;’.
- (9) Schedule 2, part 18, section 2(1)—  
*insert—*  
‘(g) fire hydrants, with or without pumps;  
(h) fire hose reels, with or without pumps.’.
- (10) Schedule 2, part 21, section 3(2)(a), ‘PRM20404’—  
*omit, insert—*  
‘PRM20406’.
- (11) Schedule 2, part 22, section 3(a)(i), ‘PRM20404’—  
*omit, insert—*  
‘PRM20406’.
- (12) Schedule 2, part 24, section 3(4)(a), ‘PRM20404’—  
*omit, insert—*  
‘PRM30406’.
- (13) Schedule 2, part 25, section 3(7)(b)(i), ‘or’—  
*omit, insert—*  
‘and’.
- (14) Schedule 2, part 27, section 3(3)(a), ‘PRM20404’—  
*omit, insert—*  
‘PRM20406’.
- (15) Schedule 2, part 28, section 3(2)(a), ‘PRM20404’—  
*omit, insert—*  
‘PRM20406’.
- (16) Schedule 2, part 28, section 3(2)(a)(iii)—

*omit, insert—*

‘(iii) Install portable fire extinguishers, fire blankets and battery powered smoke alarms PRMPFES11B; or’.

(17) Schedule 2, part 29, section 3(3)(a), ‘PRM20404’—

*omit, insert—*

‘PRM20406’.

(18) Schedule 2, part 30, section 3(2)(a), ‘PRM20404’—

*omit, insert—*

‘PRM20406’.

(19) Schedule 2, part 36, section 2(1), from ‘bearers’ to ‘frames’—

*omit, insert—*

‘bearers and joists’.

(20) Schedule 2, part 44, section 3(a)—

*omit, insert—*

‘(a) successful completion of either of the following courses—

(i) Diploma in Engineering (Refrigeration and Air Conditioning) (CN941);

(ii) Diploma of Refrigeration and Air Conditioning Engineering UEE60707;’.

(21) Schedule 2, part 44, section 3(b), ‘the course’—

*omit, insert—*

‘either course’.

#### **14 Amendment of sch 2A (Classes and requirements of fire protection occupational licences)**

(1) Schedule 2A, part 1, section 3(2)(a), ‘PRM20404’—

*omit, insert—*

‘PRM20406’.



- (2) Schedule 2A, part 2, section 1, ‘Certify’—  
*omit, insert*—  
‘Certify, install and maintain’.
- (3) Schedule 2A, part 2, section 2, after ‘Certify,’—  
*insert*—  
‘install and maintain,’.
- (4) Schedule 2A, part 2, section 3(a)(i), ‘PRM20404’—  
*omit, insert*—  
‘PRM20406’.
- (5) Schedule 2A, part 4, section 3(4)(a), ‘PRM30404’—  
*omit, insert*—  
‘PRM30406’.
- (6) Schedule 2A, part 7, section 3(2)(a), ‘PRM20404’—  
*omit, insert*—  
‘PRM20406’.
- (7) Schedule 2A, part 8, section 3(2)(a), ‘PRM20404’—  
*omit, insert*—  
‘PRM20406’.
- (8) Schedule 2A, part 8, section 3(2)(a)(iii)—  
*omit, insert*—  
‘(iii) Install portable fire extinguishers, fire blankets and  
battery powered smoke alarms PRMPFES11B; or’.
- (9) Schedule 2A, part 9, section 3(3)(a), ‘PRM20404’—  
*omit, insert*—  
‘PRM20406’.
- (10) Schedule 2A, part 10, section 3(2)(a), ‘PRM20404’—  
*omit, insert*—  
‘PRM20406’.

## 15 Amendment of sch 3 (Dictionary)

- (1) Schedule 3—

*insert—*

*‘existing licence—*

- (a) for part 7, division 2, see section 37; or
- (b) for part 7, division 4, see section 47; or
- (c) for part 7, division 5, see section 54.’.

- (2) Schedule 3, definition *approved managerial qualification*, after ‘contractor’s’—

*insert—*

*‘or nominee supervisor’s’.*

- (3) Schedule 3, definition *builder contractor’s licence*, paragraph (b)(v)—

*omit.*

- (4) Schedule 3, definition *builder contractor’s licence*, paragraph (b)(vi) and (vii)—

*renumber as paragraph (b)(v) and (vi).*

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### ENDNOTES

- 1 Made by the Governor in Council on 5 November 2009.
- 2 Notified in the gazette on 6 November 2009.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Public Works.