



Queensland

Queensland Building Services Authority and Other Legislation Amendment Regulation (No. 1) 2013

Subordinate Legislation 2013 No. 224

made under the

Building Act 1975

Domestic Building Contracts Act 2000

Plumbing and Drainage Act 2002

Public Service Act 2008

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) 2013*.

2 Commencement

The following provisions commence on the day the *Queensland Building Services Authority Amendment Act 2013*, section 4 commences—

- parts 2 to 5
- sections 22, 24, 27 to 35 and 37 to 41
- part 7.

Part 2 Amendment of Building Regulation 2006

3 Regulation amended

This part amends the *Building Regulation 2006*.

4 Amendment of s 16D (Prescribed minor repairs—Act, s 246BE)

Section 16D, note 1, ‘*Queensland Building Services Authority*’—

omit, insert—

Queensland Building and Construction Commission

5 Amendment of s 29 (Notifying BSA if notice for inspection not given)

Section 29, 'BSA'—

omit, insert—

QBCC

6 Amendment of s 35 (Consequences of builder not complying with obligation)

Section 35(4)(a), 'BSA'—

omit, insert—

QBCC

7 Amendment of pt 7, div 1, hdg (QBSA licensee certificates)

Part 7, division 1, heading, 'QBSA'—

omit, insert—

QBCC

8 Amendment of s 42 (Application of div 1)

(1) Section 42, 'QBSA'—

omit, insert—

QBCC

(2) Section 42(3), definition *QBSA Regulation*—

omit, insert—

QBCC Regulation means the *Queensland Building and Construction Commission Regulation 2003*.

(3) Section 42(3), definitions *waterproofing* and *waterproofing licence*, 'QBSA Regulation'—

omit, insert—

QBCC Regulation

9 Amendment of s 43 (QBSA licensee certificate if building development approval)

Section 43, 'QBSA'—

omit, insert—

QBCC

10 Amendment of s 44 (QBSA licensee certificate for self-assessable building work)

Section 44, 'QBSA'—

omit, insert—

QBCC

11 Amendment of s 45 (QBSA licensee must not give false or misleading certificate)

Section 45, 'QBSA'—

omit, insert—

QBCC

12 Amendment of s 49 (Optional acceptability by building certifier)

Section 49(2), 'QBSA'—

omit, insert—

QBCC

13 Amendment of s 50 (Optional acceptability by competent person (inspections))

Section 50(3), 'QBSA'—

omit, insert—

QBCC

14 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definitions *QBSA licensee*, *QBSA licensee certificate*—

omit.

- (2) Schedule 4—

insert—

QBCC licensee see section 42(1)(c).

QBCC licensee certificate means a certificate under section 43 or 44.

- (3) Schedule 4, definition *builder*, examples, ‘*Queensland Building Services Authority*’—

omit, insert—

Queensland Building and Construction Commission

Part 3 Amendment of Building Fire Safety Regulation 2008

15 Regulation amended

This part amends the *Building Fire Safety Regulation 2008*.

16 Amendment of sch 3 (Dictionary)

Schedule 3, definition *appropriately qualified person*, ‘*Queensland Building Services Authority Regulation 2003*’—

omit, insert—

Queensland Building and Construction Commission Regulation 2003

23 Replacement of s 5 (Work that is not building work)

Section 5—

omit, insert—

5 Work that is not building work

- (1) For the Act, schedule 2, definition *building work*, work stated in schedule 1AA is not building work.
- (2) To remove any doubt, it is declared that subsection (1) does not cease to apply to any work stated in schedule 1AA merely because the work is carried out in combination with other work stated in schedule 1AA.

24 Amendment of s 6B (Meaning of categories applying to licences)

Section 6B, definition *financial requirements policy*, paragraph (a)—

omit, insert—

- (a) approved by regulation under section 19 of the Act; or

25 Amendment of s 11 (Meaning of *primary building work*)

Section 11(3)(d)(ii)—

omit, insert—

- (ii) driveways or paths

26 Amendment of s 12 (Meaning of *associated building work*)

Section 12(2)—

omit, insert—

- (2) Despite section 5, work mentioned in schedule 1AA, sections 2, 20, 21, 26, 29, 30, 32, 36 or 40

is building work that is associated building work
if it is other building work.

27 Amendment of s 15 (Qualifications and experience for contractor's licence—Act, s 31)

Section 15(2), 'the authority'—

omit, insert—

the commission

28 Amendment of s 17 (Application for a licence—Act, s 33)

Section 17, 'the authority'—

omit, insert—

the commission

29 Amendment of s 18 (Applications for renewal of licence—Act, s 37B(2))

Section 18(2)(b), 'the authority'—

omit, insert—

the commission

30 Amendment of s 19 (Refund of licence fee)

Section 19(1), 'authority'—

omit, insert—

commission

31 Amendment of s 21 (Prescribed course—Act, s 43D, definition owner-builder course)

Section 21, 'authority'—

omit, insert—

commission

32 Amendment of s 22 (Warnings—Act, s 47)

Section 22(1)(b), ‘QUEENSLAND BUILDING SERVICES
AUTHORITY ACT 1991’—

omit, insert—

QUEENSLAND BUILDING AND
CONSTRUCTION COMMISSION ACT 1991

33 Amendment of s 27 (Insurance information statement)

Section 27, ‘authority’—

omit, insert—

commission

**34 Amendment of s 32 (Warning that contract is a
construction management trade contract—Act, s 67V)**

Section 32, ‘Queensland Building Services Authority Act
1991’—

omit, insert—

Queensland Building and Construction Commission
Act 1991

**35 Amendment of s 34A (Approval of board’s policies—Act,
s 9A)**

(1) Section 34A, heading ‘s 9A’—

omit, insert—

s 19

(2) Section 34A, ‘section 9A(1)’—

omit, insert—

section 19(1)

36 Insertion of new sch 1AA

Before schedule 1—

insert—

Schedule 1AA Work that is not building work

section 5

1 Work for a farm building

- (1) Work mentioned in the Act, schedule 2, definition *building work*, paragraphs (a) to (f), if the work is for a farm building.
- (2) In this section—
farm building means a building—
 - (a) on land used wholly or primarily for agricultural or pastoral purposes; and
 - (b) used, or intended to be used, for agricultural or pastoral purposes; and
 - (c) that has a completed value of not more than \$27500; and
 - (d) that is not a residence.

2 Work of a value of \$3300 or less

Work of a value of \$3300 or less, unless—

- (a) subject to section 33(2) of this schedule, the work is within the scope of work of a fire protection licence; or
- (b) the work is within the scope of work of a licence provided for in schedule 2, part 11–14, 18, 19, 33, 48 or 52; or

- (c) the work is within the scope of work of another licence provided for in schedule 2, and is carried out by a licensee as part of a contract for building work of which the total value is more than \$3300; or
- (d) 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.

3 Giving of free advice by building industry organisation

Giving of free advice by an organisation the membership of which is drawn wholly or predominantly from the building industry.

4 Work performed by an architect

Work performed by an architect in the architect's professional practice, including, for example, carrying out a completed building inspection.

5 Work performed by an engineer

Work performed by an engineer in the engineer's professional practice.

6 Work performed by a licensed surveyor

Work performed by a licensed surveyor in the surveyor's professional practice.

7 Work performed by the Commonwealth or its agencies

Work performed by the Commonwealth or an instrumentality or agency of the Commonwealth, but

not work performed for the Commonwealth or an instrumentality or agency by an independent contractor.

8 Work performed by the State or its agencies

- (1) Work performed by the State or an instrumentality or agency of the State, but not work performed for the State or an instrumentality or agency by an independent contractor.
- (2) In this section—
agency of the State includes the following—
 - (a) a department;
 - (b) a government owned corporation;
 - (c) an entity established under an Act;
 - (d) a rail government entity under the *Transport Infrastructure Act 1994*.

9 Work performed by a local government

Work performed by a local government, but not work performed for a local government by an independent contractor.

10 Work performed by a charity or community organisation

- (1) Work performed by a charitable or community organisation for its own use, if the commission gives the organisation written notice the work can be excluded from the definition *building work*, given the qualifications and experience of persons who supervise the work.
- (2) However, this exclusion does not apply to residential construction work.

11 Work for a water reticulation system, sewerage system or stormwater drain

- (1) Construction, extension, repair or replacement of a water reticulation system, sewerage system or stormwater drain, other than works connecting a particular building to a main of the system or drain.
- (2) In this section—
building includes a proposed building.

12 Work for a public utility easement

- (1) Construction, maintenance or repair on a public utility easement.
- (2) In this section—
public utility easement see the *Land Title Act 1994*, section 81A.

13 Work on busways and tunnels

- (1) Construction, maintenance or repair of a busway or a tunnel for a busway.
- (2) In this section—
busway means—
 - (a) a route especially designed and constructed for, and dedicated to, the priority movement of buses for passenger transport purposes; and
 - (b) places for the taking on and letting off of bus passengers using the busway; and
 - (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.

14 Work on roads and tunnels

- (1) Construction, maintenance or repair of a road or a tunnel for a road.

- (2) In this section—

driveway means—

- (a) a surface constructed—
 - (i) on a private property; and
 - (ii) for the purpose of driving or riding of motor vehicles to or from the property and a road; and
 - (iii) for which the right to use the surface is restricted to persons with an interest in the property and their invitees; or
- (b) a surface constructed—
 - (i) between the boundary of a private property and that part of a road used for the driving or riding of motor vehicles; and
 - (ii) for the purpose of driving or riding of motor vehicles to or from the property and the road.

private property includes a separate, distinct parcel of land for which an interest is recorded in a register under the *Land Act 1994*.

road—

- (a) means an area of land—
 - (i) whether surveyed or unsurveyed, dedicated, notified or declared to be a road for public use; or

- (ii) whether surveyed or unsurveyed, taken under an Act, for the purpose of a road for public use; or
 - (iii) developed, or to be developed, for the public use of driving or riding of motor vehicles; and
- (b) includes—
- (i) a street, esplanade, highway, pathway, thoroughfare, toll road, track or stock route; and
 - (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; and
- (c) does not include a driveway.

15 Work on bikeways and footpaths

- (1) Construction, maintenance or repair of a bikeway or footpath or a tunnel for a bikeway or footpath.

- (2) In this section—

bikeway—

- (a) means a path that has as 1 of its main purposes the public use of the path for riding bicycles; but
- (b) does not include a path contained within private property.

footpath—

- (a) means a path that has as 1 of its main purposes the public use of the path by pedestrian traffic; but
- (b) does not include a path contained within private property.

16 Work on public bridges

Construction, maintenance or repair of a bridge, other than a bridge on private property.

17 Work for railway tracks

Construction, maintenance or repair of railway tracks, signals or associated structures, unless the structures are buildings for residential purposes, or are storage or service facilities.

18 Work for airport runways

Construction, maintenance or repair of airport runways, taxiways and aprons.

19 Work on harbours, wharfs and other maritime structures

Construction, maintenance or repair of harbours, wharfs and other maritime structures, unless the structures are buildings for residential purposes, or are storage or service facilities.

20 Electrical work

Electrical work under the *Electrical Safety Act 2002*.

21 Work for emergency detection and warning systems

- (1) Inspection, testing, installation or general repair by a person who is a licensed electrical mechanic, of a fire detection system, alarm system or emergency warning and communication system for a building.

- (2) In this section—

licensed electrical mechanic see the *Electrical Safety Act 2002*, schedule 2.

22 Work for a dam

Construction, maintenance or repair of a dam.

23 Work for communications for broadcasting

Construction, maintenance or repair of communications installations performed for a public company or other public body engaged in radio or television broadcasting or in some other form of communications business or undertaking.

24 Work for unsupported sign

Construction, maintenance or repair of a sign that does not have a supporting structure.

Example—

a sign that consists of only a flat sheet of acrylic resin, fabric, metal or wood

25 Work for a supporting structure for a sign

Construction, maintenance or repair of a supporting structure for a sign if—

- (a) the value of building work for the supporting structure is less than \$5000; or
- (b) the top of the sign or supporting structure, whichever is higher, is less than 3m above the surface immediately below the sign or structure, including, for example, the ground, or a road or path on which an individual may travel, whether in a vehicle, while walking, or in any other way.

26 Erecting scaffolding

Erection of scaffolding.

27 Installation of manufacturing equipment

Installation of manufacturing equipment or equipment for hoisting, conveying or transporting materials or products, including luggage, mail or primary produce, but excluding the installation of fixed structures providing shelter for the equipment.

28 Construction work in mining

Construction work in mining.

29 Work for curtains, blinds and internal window shutters

Hanging of curtains or installing, maintaining or repairing blinds or internal window shutters, other than fire shutters.

30 Laying carpets, floating floors or vinyl

- (1) Laying of carpets, floating floors or vinyl.
- (2) In this section—

floating floor means a floor that covers a subfloor but is not fixed to the subfloor.

31 Work for monuments, fountains and other works of art

Work consisting of monumental masonry, sculpture, or the erection or construction of statues, fountains or other works of art, other than work affecting the structure of a building.

32 Earthmoving and excavating

Work consisting of earthmoving and excavating.

33 Particular work performed personally by the owner of land

- (1) Work, other than work within the scope of work of an occupational licence, performed personally by the owner of the land on which the work is performed if—
 - (a) the value of the work is not more than \$11000; or
 - (b) under the *Building Act 1975*, chapter 2, the work is, for the *Sustainable Planning Act 2009*, self-assessable development or exempt development.
- (2) Work within the scope of work of a fire protection licence performed personally by the owner of the land on which the work is performed if the value of the work is less than \$1100.

34 Certification work by building certifier

Certification work performed by a building certifier under the *Building Act 1975* in the certifier's professional practice.

35 Particular work performed by a registered valuer

Services performed by a registered valuer under the *Valuers Registration Act 1992* in the valuer's professional practice.

36 Laying asphalt or bitumen

Laying of asphalt or bitumen.

37 Work done under the Work Health and Safety Regulation

Work done under the *Work Health and Safety Regulation 2011*, part 8.3.

38 Work for an assessment of an insurance claim

An inspection, investigation or report for assessment of an insurance claim.

39 Work performed by a locksmith

Work of the type usually performed by a locksmith, whether performed by a locksmith or another person.

40 Preparing or installing insulation

Work consisting of the preparation for, or installation of, insulation for acoustic or thermal control.

41 Interior design

- (1) Preparation of plans or specifications for building work for the interior design of a building if the work does not relate to a part of the building that is load-bearing or a structural member.
- (2) Contract administration for the interior design of a building.

42 Assessment of energy efficiency of buildings

Assessment of the energy efficiency of a building.

43 Inspecting or testing emergency lighting systems

Work, performed by a person who holds an electrical mechanic licence, that is inspecting or testing emergency lighting systems.

44 Work relating to fire safety performed by a professional engineer

Work, within the scope of work of a licence prescribed under schedule 2, part 30B, section 2(1), performed by an engineer who may carry out professional engineering services under the *Professional Engineers Act 2002* for alternative solutions relating to fire safety.

45 Installation of insect screens

Work consisting of installation of insect screens, other than—

- (a) screens used for security; and
- (b) screens used for a particular material or system designed for the prevention of termite infestation.

46 Line marking

Work consisting of line marking.

47 Work performed by a fire safety adviser

Work performed by a fire safety adviser under the *Building Fire Safety Regulation 2008*.

48 Pool safety inspection by pool safety inspector

- (1) Performance of a pool safety inspection function by a pool safety inspector under the *Building Act 1975*, other than a pool safety inspection function mentioned in section 231C(b) of that Act.
- (2) In this section—
pool safety inspection function see the *Building Act 1975*, section 231C.
pool safety inspector see the *Building Act 1975*, schedule 2.

49 Work for a strand wire fence

- (1) Construction, maintenance or repair of a strand wire fence with no concrete footing.
- (2) In this section—
strand wire fence means a structure serving as an enclosure, barrier or boundary made of posts, pickets or stakes joined together by strands of wire.

50 Installation of solar hot water system

- (1) Installation, repair or maintenance of a solar hot water system if—
 - (a) a person, who is the holder of an unrestricted electrical contractor licence (the *electrical contractor*), undertakes to carry out the work for a consumer; and
 - (b) the electrical contractor only carries out the part of the work that is electrical work under the *Electrical Safety Act 2002*; and
 - (c) that part of the work that is not electrical work under the *Electrical Safety Act 2002*

(the *non-electrical work*) is carried out by a person who—

- (i) holds, under the Act, a contractor's licence of the appropriate class for the non-electrical work; and
 - (ii) is engaged by the electrical contractor to carry out the non-electrical work.
- (2) However, this exclusion applies only for the purpose of section 42 of the Act.
 - (3) In this section—

solar hot water system includes any part of a water heating system designed to heat water using light or heat from the sun.

51 Installation of photovoltaic solar panel

- (1) Installation, repair or maintenance of a photovoltaic solar panel if the work is carried out by a person who is the holder of an unrestricted electrical contractor licence.
- (2) However, this exclusion applies only for the purpose of section 42 of the Act.

52 Laying wet pour rubber

- (1) Laying of wet pour rubber, including the laying of a blended mix of graded rubber particles and binder to provide a continuous surface.
- (2) However, this exclusion applies only for the purpose of section 42 of the Act.

37 Amendment of sch 1 (Fees)

Schedule 1, item 5, ‘authority’s’—

omit, insert—

commission’s

38 Amendment of sch 1A (Board’s policies approved under section 9A of the Act)

Schedule 1A, heading, ‘section 9A’—

omit, insert—

section 19

39 Amendment of sch 2 (Classes of licences and licence requirements)

- (1) Schedule 2, parts 1 to 13, 15 to 17, 20 to 32, 34 to 51A and 54 to 56, ‘authority’—

omit, insert—

commission

- (2) Schedule 2, part 14, section 3(1)(b), ‘authority’—

omit, insert—

commission

- (3) Schedule 2, part 14, section 3(2), definition *approved completed building inspectors course*—

omit, insert—

approved completed building inspectors course
means a course provided by a registered training organisation and containing the following subjects, or another course delivered by a registered training organisation that the commission is satisfied is at least equivalent to the course—

- (a) Customer Service Skills;

- (b) Effective Communication;
 - (c) Report Writing;
 - (d) Pre-Inspection Considerations;
 - (e) Site Inspection Procedures and Techniques;
 - (f) Contracts and the Building Legislation in Qld;
 - (g) Building Code of Australia and Australian Standards;
 - (h) Workplace Health & Safety;
 - (i) QBCC Dispute Procedures and Insurance and Legal Implications.
- (4) Schedule 2, parts 18 and 19, section 2(1), ‘Install, commission, maintain and test’—
omit, insert—
Installing, commissioning, maintaining and testing
- (5) Schedule 2, part 20, section 2(2), ‘Install and commission’—
omit, insert—
Installing and commissioning
- (6) Schedule 2, part 33, section 2(1)—
omit, insert—
(1) Installing, commissioning, maintaining, testing, altering, repairing and servicing a gas system in any building.
- (7) Schedule 2, part 44, section 2(1), ‘Install, commission, service or repair’—
omit, insert—
Installing, commissioning, servicing or repairing

- (8) Schedule 2, part 45, section 2(1), ‘Install, commission, service or repair’—

omit, insert—

Installing, commissioning, servicing or repairing

40 Amendment of sch 2A (Classes and requirements of fire protection occupational licences)

Schedule 2A, parts 1 to 12, section 3, ‘authority’—

omit, insert—

commission

41 Amendment of sch 3 (Dictionary)

- (1) Schedule 3—

insert—

unrestricted electrical contractor licence means an electrical contractor licence under the *Electrical Safety Act 2002* that does not include any conditions or restrictions.

- (2) Schedule 3, definition *approved managerial qualification*, ‘(the *authority course*)’—

omit.

- (3) Schedule 3, definition *approved managerial qualification*, ‘authority is’—

omit, insert—

commission is

- (4) Schedule 3, definition *approved managerial qualification*, ‘authority course’—

omit, insert—

course

- (5) Schedule 3, definition *approved managerial qualification*, paragraph (o)—

omit, insert—

- (o) QBCC licensing.

- (6) Schedule 3, definition *certify*—

omit, insert—

certify means—

- (a) for schedule 2, parts 21 to 30B and schedule 2A—to give advice or a report, including a certificate, stating that a fire protection system complies with Australian and international standards, Building Code of Australia requirements and manufacturer's specifications after conducting a survey of the system; and
- (b) for schedule 2, part 6—to give advice or a report, including a certificate.

- (7) Schedule 3, definition *required competency*, 'authority'—

omit, insert—

commission

- (8) Schedule 3, definition *supporting structure*—

omit, insert—

supporting structure, for a sign, is a structure the main purpose of which is to display the sign, including any structure that is attached to or suspended from a building to allow the sign to be displayed, including, for example, a sign case or other box-type structure, but does not include the building.

Part 7 Amendment of Standard Plumbing and Drainage Regulation 2003

42 Regulation amended

This part amends the *Standard Plumbing and Drainage Regulation 2003*.

43 Amendment of s 29B (Rectification notices for inspections under s 29A or the Act, s 87(8))

Section 29B(10), definitions *contractor's licence* and *licensed contractor*—

omit, insert—

contractor's licence see the *Queensland Building and Construction Commission Act 1991*, section 30(1).

licensed contractor means a person who holds a contractor's licence issued under the *Queensland Building and Construction Commission Act 1991*.

ENDNOTES

- 1 Made by the Governor in Council on 14 November 2013.
- 2 Notified on the Queensland legislation website on 15 November 2013.
- 3 The administering agency is the Department of Housing and Public Works.

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Authorised by the Parliamentary Counsel