



Queensland

# Queensland Building and Construction Commission (Transfer) Regulation 2014

## Subordinate Legislation 2014 No. 258

made under the

*Queensland Building and Construction Commission Act 1991*

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Queensland Building and Construction Commission (Transfer) Regulation 2014*.

### **2 Commencement**

This regulation commences on 10 November 2014.

## **Part 2 Transfer of employees, liabilities and records to employing office**

### **Division 1 Preliminary**

#### **3 Purpose of pt 2—Act, s 108AB**

The purpose of this part is to provide for the transfer of particular employees, liabilities and records to the employing office.

#### **4 Definitions for pt 2**

In this part—

*transfer day* means 3 November 2014.

*transferring employee* see section 5.

#### **5 Meaning of *transferring employee***

- (1) Each person shown in the transferring employee schedule is a *transferring employee*.

(2) In this section—

***amending Act*** means the *Professional Engineers and Other Legislation Amendment Act 2014*.

***former PIC*** means the Plumbing Industry Council established under section 5 of the *Plumbing and Drainage Act 2002* as in force before the commencement of the amending Act.

***former PSC*** means the Pool Safety Council established under section 246EF of the *Building Act 1975* as in force before the commencement of the amending Act.

***relevant chief executive*** means the chief executive of the department in which the *Building Act 1975* and the *Plumbing and Drainage Act 2002* are administered.

***transferring employee schedule*** means the schedule of that name made by the chief executive stating particular persons who were employed, immediately before the transfer day, by the department in relation to the following—

- (a) the functions relating to pool safety transferred from the former PSC and the relevant chief executive to the board and the commissioner under the amending Act, chapter 3, parts 1 and 4;
- (b) the functions relating to plumbing and drainage transferred from the former PIC and the relevant chief executive to the board and the commissioner under the amending Act, chapter 3, parts 2 and 4.

## Division 2                      Transfer provisions

### 6                      **Employing office prescribed as relevant entity—Act, s 108AA(1)(c)**

The employing office is prescribed as a relevant entity for section 108AA(1)(c) of the Act.

[s 7]

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## **7 Transfer of employees**

On the transfer day—

- (a) each transferring employee stops being an employee of the department and becomes an employee of the employing office; and
- (b) the liabilities of the State relating to each transferring employee's accrued rights to annual, sick, long service or other leave and superannuation become the liabilities of the employing office.

## **8 Transfer of records**

From the transfer day, the records of the State relating to each transferring employee become records of the employing office.

## **9 Pending legal proceedings**

- (1) This section applies for a legal proceeding that, before the transfer day, could have been started or continued by or against the State in relation to—
  - (a) a transferring employee; or
  - (b) a record transferred to the employing office under section 8.
- (2) The legal proceeding must be started or continued by or against the employing office.

## **10 Award applying for transferring employees**

From the transfer day, the *Queensland Building Services Authority Award – State 2012* applies in relation to each transferring employee.

ENDNOTES

- 1 Made by the Governor in Council on 6 November 2014.
- 2 Notified on the Queensland legislation website on 7 November 2014.
- 3 The administering agency is the Department of Housing and Public Works.

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