



Queensland Building and Construction Commission Act 1991

Queensland Building and Construction Commission (Transfer) Regulation 2014

Current as at 10 November 2014

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Queensland

Queensland Building and Construction Commission (Transfer) Regulation 2014

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Queensland Building and Construction Commission (Transfer) Regulation 2014

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.

[s 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.

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.