



Queensland

Queensland Building Services Authority and Other Legislation Amendment Regulation (No. 1) 2011

Explanatory Notes for SL 2011 No. 100

made under the

Building and Construction Industry Payments Act 2004

Domestic Building Contracts Act 2000

Queensland Building Services Authority Act 1991

General outline

Short title

*Queensland Building Services Authority and Other Legislation Amendment
Regulation (No. 1) 2011.*

Authorising Law

The regulation is made under the following provisions:

- Section 111 of the *Building and Construction Industry Payments Act 2004*;
- Section 101 of the *Domestic Building Contracts Act 2000*;
- Section 116 of the *Queensland Building Services Authority Act 1991*.

Policy objectives and the reasons for them

The objective of the *Building and Construction Industry Payments Act 2004* is to ensure that a person is entitled to timely payment for construction work carried out, or related goods or services supplied under a construction contract. The Act provides for the Governor in Council to make a regulation prescribing fees. The *Building and Construction Industry Payments Regulation 2004* prescribes registration and renewal fees for authorised nominating authorities and adjudicators.

The objective of the *Domestic Building Contracts Act 2000* is to regulate domestic building contracts to achieve a reasonable balance between the interests of building contractors and building owners, and to maintain appropriate standards of conduct in the building industry. The Act provides for the charging of a fee for the supply of a copy of a contract information statement. The *Domestic Building Contracts Regulation 2010* prescribes the amount of this fee.

The objective of the *Queensland Building Services Authority Act 1991* is to regulate the building industry to ensure the maintenance of proper standards in the industry and to achieve a reasonable balance between the interests of building contractors and consumers. The Act provides for the Governor in Council to make a regulation about fees. The *Queensland Building Services Authority Regulation 2003* prescribes fees for licensing and ancillary matters.

In accordance with Queensland Government policy, all fees and charges for departments and statutory bodies are to be indexed annually by the full movement in the actual Australian Bureau of Statistics Brisbane All-Groups Consumer Price Index (CPI).

The regulation has the effect of indexing the fees and charges in the *Building and Construction Industry Payments Regulation 2004*, the *Domestic Building Contracts Regulation 2010* and the *Queensland Building Services Authority Regulation 2003* in line with movement in the CPI.

Achievement of policy objectives

The objectives of the *Building and Construction Industry Payments Act 2004*, the *Domestic Building Contracts Act 2000* and the *Queensland Building Services Authority Act 1991* will be achieved by increasing the registration, licensing, renewal and other fees prescribed under the

regulations relevant to each Act in accordance with Queensland Government policy and in line with CPI movements for the March quarter 2010 to the March quarter 2011.

The regulation will also ensure the prescribed fees adhere to government policy.

Consistency with policy objectives of authorising law

The regulation amendments are consistent with the objectives of the *Building and Construction Industry Payments Act 2004*, the *Domestic Building Contracts Act 2000* and the *Queensland Building Services Authority Act 1991*.

Inconsistency with policy objectives of other legislation

The regulation amendments are consistent with the main policy objectives of other legislation.

Benefits and costs of implementation

The regulation amendments do not impose an appreciable cost on business, government or the community, and are consistent with government policy.

Consistency with fundamental legislative principles

The regulation is consistent with fundamental legislative principles.

Consultation

Consultation on the proposed fee increases has been undertaken with Queensland Treasury and the Queensland Building Services Board (the Board). The Board comprises members representing building contractors, trade contractors, the insurance and accounting professions, unions and consumers.

No objections have been raised to these amendments.

Notes on Provisions

Clause 1 provides the short title of the regulation, namely the *Queensland Building Services Authority and Other Legislation Amendment Regulation (No. 1) 2011*.

Clause 2 provides for the regulation to commence on 1 July 2011.

Clause 3 provides for the amendment of the *Building and Construction Industry Payments Regulation 2004*.

Clause 4 omits schedule 2 (Fees) of the *Building and Construction Industry Payments Regulation 2004* and replaces it with the new schedule of indexed fees.

Clause 5 provides for the amendment of the *Domestic Building Contracts Regulation 2010*.

Clause 6 amends the fee prescribed for supplying a copy of the contract information statement under section 100 of the *Domestic Building Contracts Act 2000*.

Clause 7 provides for the amendment of the *Queensland Building Services Authority Regulation 2003*.

Clause 8 omits schedule 1 (Fees) of the *Queensland Building Services Authority Regulation 2003* and replaces it with the new schedule of indexed fees.

Clause 9 provides for a minor amendment of the definition of “licence fee” in schedule 3 of the *Queensland Building Services Authority Regulation 2003*, for grammatical purposes only.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Public Works.