

Queensland Building and Construction Commission Amendment Regulation (No. 2) 2014

Explanatory Notes for SL 233

made under the

Queensland Building and Construction Commission Act 1991

General Outline

Short title

The *Queensland Building and Construction Commission Amendment Regulation (No. 2) 2014*.

Authorising law

Sections 19 and 116 of the *Queensland Building and Construction Commission Act 1991* (the Act).

Policy objectives and the reasons for them

Section 10 of the Act establishes the Queensland Building and Construction Board (the QBC Board). A function of the QBC Board is to make and review policies governing the administration of the Act and section 19 of the Act provides that the QBC Board may make a policy governing the administration of the Act.

The QBC Board made the new Rectification of Building Work policy on 16 May 2014 and the Minimum Requirements for Licensing policy on 20 June 2014. To have effect, section 19(3) of the Act requires that QBC Board policies be approved by regulation.

The first new policy to be approved by the regulation, Rectification of Building Work, replaces the existing version which was amended by the former Queensland Building Services Board on 12 May 2010.

The second new policy to be approved by the regulation, Minimum Financial Requirements for Licensing, is to replace the existing Financial Requirements for Licensing policy which was made by the former Queensland Building Services Board on 19 July 2012.

As a consequence of the approval of the new Minimum Financial Requirements for Licensing policy, the amendment regulation also makes minor amendments to the fee schedule in the *Queensland Building and Construction Commission Regulation 2003* (QBCC Regulation).

Achievement of policy objectives

The regulation will achieve the objectives by amending the QBCC Regulation to approve two policies of the QBC Board and make minor consequential amendments to the fee schedule.

Consistency with policy objectives of authorising law

The regulation is consistent with its authorising Act.

Inconsistency with policy objectives of other legislation

The regulation is not inconsistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

The regulation is the only effective means of achieving the policy objectives.

Benefits and costs of implementation

The regulation does not impose an appreciable cost on government or the community.

Consistency with fundamental legislative principles

The regulation is consistent with the fundamental legislative principles set out in the *Legislative Standards Act 1992*.

Consultation

The Queensland Building and Construction Commission's Industry Reference Group and Consumer Reference Group were consulted and were supportive of the proposed new policies

Notes on Provisions

Clause 1 provides that the short title of the regulation is the *Queensland Building and Construction Commission Amendment Regulation (No 2) 2014*.

Clause 2 states that the regulation amends the QBCC Regulation.

Clause 3 amends Schedule 1 (Fees) as a consequence of the approval of the new Minimum Financial Requirements for Licensing policy. This amendment is necessary to ensure that licensees are not inadvertently elevated into a higher fee bracket as a result of the new policy.

Clause 4 replaces Schedule 1A of the QBCC Regulation. Versions of policies which are no longer current have been removed from Schedule 1A and the newly approved Rectification of Building Work and Minimum Financial Requirements for Licensing policies have been included.