

Queensland Building and Construction Commission Amendment Regulation (No. 1) 2016

Explanatory Notes for SL No. 30

Short title

Queensland Building and Construction Commission Amendment Regulation (No. 1) 2016

Authorising law

Section 116 of the *Queensland Building and Construction Commission Act 1991* (QBCC Act)

Policy objectives and the reasons for them

Summary

The objective of the *Queensland Building and Construction Commission Amendment Regulation (No. 1) 2016* (QBCCAR) is to make minor amendments to the *Queensland Building and Construction Commission and Other Legislation Amendment Regulation (No. 1) 2016* (QBCCOLAR) to refine the scope of two licensing amendments due to commence on 1 April 2016.

Background

The QBCCOLAR amends the *Queensland Building and Construction Commission Regulation 2003* (QBCC Regulation) to streamline, clarify and update the licensing requirements for Queensland Building and Construction Commission (QBCC) licensees. The QBCCOLAR was approved and was notified on the Office of the Queensland Parliamentary Counsel website on 29 January 2016. Part 6 of the QBCCOLAR deals with the licensing provisions and these provisions will commence on 1 April 2016.

Certain amendments in the QBCCOLAR have an unintended consequence to the amendments involving Part 4 – Builder – Low Rise and Part 5 – Builder – Medium Rise licensees. The amendments were to vary the scope of work so that these licensees may carry out building work that consists of non-structural work on a building, regardless of the class of the building or the gross floor area of the building. The amendments would also have the unintended consequence of permitting these licensees to undertake fire protection work as this work is not structural. This is undesirable as fire protection systems in larger buildings are more complex and builders of these licence classes may not have the expertise to adequately supervise someone carrying out this type of work.

Achievement of policy objectives

The amendments will clarify that Builder – Low Rise and Builder – Medium Rise licensees cannot undertake fire protection work on buildings other than on the class and size of building that they are licensed for, and in no cases personally. However, they will be permitted to undertake non-structural work (excluding fire protection work) on any class or size of building.

Consistency with policy objectives of authorising law

The QBCCAR is consistent with the policy objectives of the authorising laws.

Inconsistency with policy objectives of other legislation

The QBCCAR is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

No significant administrative costs will be associated with implementing the QBCCAR.

Clarifying that Builder – Low Rise and Builder – Medium Rise licensees cannot undertake higher risk fire protection work will maintain the stringency of the existing licensing framework.

Consistency with fundamental legislative principles

The QBCCAR is consistent with fundamental legislative principles.

Consultation

As this is a minor amendment no consultation was necessary.