

# Queensland Building and Construction Commission (Farm Fencing) Amendment Regulation 2017

Explanatory notes for SL 2017 No. 62

made under the

*Queensland Building and Construction Commission Act 1991*

## General Outline

### Short title

*Queensland Building and Construction Commission (Farm Fencing) Amendment Regulation 2017*

### Authorising law

Schedule 2 and section 116 of the *Queensland Building and Construction Commission Act 1991*.

### Policy objectives and the reasons for them

The objective of the *Queensland Building and Construction Commission (Farm Fencing) Amendment Regulation 2017* (Amendment Regulation) is to amend the *Queensland Building and Construction Commission Regulation 2003* (QBCC Regulation) to alter licensing requirements for persons carrying out work for farm fences.

Under the *Queensland Building and Construction Commission Act 1991*, a person must not carry out, or undertake to carry out, building work unless the person holds a contractor's licence of the appropriate class. The QBCC Regulation, schedule 1AA, prescribes certain works as being excluded from the definition of 'building work', with the result that a licence is not required by a person performing such work.

One such exclusion, contained in section 1 of schedule 1AA of the QBCC Regulation, is work for a farm building on land used for agricultural or pastoral purposes, provided the building is also used for agricultural or pastoral purposes, is not a residence and has a completed value of not more than \$27,500. A farm building may include a structure such as a shed or a fence.

In 2015 and 2016, both the State and Federal Governments provided significant funding to regional and rural communities in Queensland for the delivery of pest and weed management strategies. This included a number of grants and loans to assist with the construction of cluster fencing, which is designed to protect livestock from predators such as wild dogs.

As a result the current restriction has been reviewed. It is considered the limitation is no longer necessary or appropriate. This is because there can be difficulties and delays in engaging appropriately licensed persons in regional and rural areas. Landholders can also face increased costs as licensees may be required to travel significant distances and materials are not always available locally.

It is proposed to amend the QBCC Regulation to remove the \$27,500 limitation for farm buildings if the work is for a fence, including related aspects such as a gate or grid. The proposed amendment will mean a person can undertake fencing work of any value on land used for agricultural or pastoral purposes without holding a Queensland Building and Construction Commission licence. It is not however intended that the exclusion apply to fencing work associated with a residence, such as a swimming pool fence. Also, relevant building standards continue to apply.

## **Achievement of policy objectives**

The Amending Regulation will achieve its objective by broadening the scope of the exclusion from the definition 'building work' contained in section 1 of schedule 1AA of the QBCC Regulation. The broadened scope of the exclusion will mean a person can undertake fencing work of any value on land used for agricultural or pastoral purposes without holding a Queensland Building and Construction Commission licence.

## **Consistency with policy objectives of authorising law**

The Amendment Regulation is consistent with the main objects of the QBCC Act and in particular, the objectives of regulating the building industry and maintaining proper standards.

## **Inconsistency with policy objectives of other legislation**

The Amendment Regulation is consistent with the policy objectives of other State laws.

## **Benefits and costs of implementation**

It is not anticipated that any costs will be incurred in implementing the Amendment Regulation. Benefits will include greater flexibility for local governments in being able to contract with land owners who do not hold a Queensland Building and Construction Commission licence.

## **Consistency with fundamental legislative principles**

The Amendment Regulation is consistent with fundamental legislative principles.

## **Consultation**

The Queensland Productivity Commission was consulted and confirmed that a Regulatory Impact Statement is not required.