

Queensland Building and Construction Commission (Structural Landscaping Licences) Amendment Regulation 2019

Explanatory notes for Subordinate Legislation 2019 No.54

made under the

Queensland Building and Construction Commission Act 1991

General Outline

Short title

Queensland Building and Construction Commission (Structural Landscaping Licences) Amendment Regulation 2019

Authorising law

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

Policy objectives and the reasons for them

The *Queensland Building and Construction Commission Act 1991* (QBCC Act) provides a licensing framework for contractors and some occupations in the building and construction industry. Different classes of licence are prescribed by regulation. The scope of work for each licence class is set out under Schedule 2 of the *Queensland Building and Construction Commission Regulation 2018*.

The scopes of work for the Part 10, 'Builder restricted to structural landscaping' (Part 10 licence) and Part 54, 'Structural landscaping (trade)' (Part 54 licence) licence classes (landscaping licence classes) allow licensees to prepare the site, excavate and lay paving or concrete associated with landscaping. Common elements of these licences include prepare, fabricate and erect carports, decking, fences, gazebos, pergolas and certain types of retaining walls. For the Part 10 licence, these structures may only have an associated concrete slab with a floor area of not more than 10m². For a Part 54, licence the 10m² limitation applies to installation of prefabricated sheds.

When building tennis or other sporting courts, a suitable base must be used, generally via concrete, bitumen or asphalt. It is also necessary to apply surfacing material such as acrylic coatings to the base. In addition, the average tennis or sporting court exceeds 10m². This scope of work is not permitted under the landscaping licence classes. In general, a person must hold a Builder Open, Builder Medium Rise or Builder Low Rise licence to undertake construction, maintenance or repair of tennis or

other sporting courts. This means that tennis and sporting court builders who hold a licence in a landscape class cannot undertake their trade without obtaining the qualifications for the more complex licences. This is not considered reasonable due to the limited scope of works involved in tennis and sporting court construction.

Achievement of policy objectives

The *Queensland Building and Construction Commission (Structural Landscaping Licences) Amendment Regulation 2019* (the Amendment Regulation) will enable a person who holds a licence in the landscape licence classes to:

- prepare and excavate the site for the purposes of constructing, maintaining or repairing tennis and other sporting courts;
- undertake concreting for the purposes of constructing, maintaining or repairing a tennis or other sporting court; and
- undertake other work associated with a tennis or other sporting court such as applying materials or other surface treatments to the court.

It is not necessary for the Amendment Regulation to refer to bitumen or asphalt as these bases are unregulated work under the QBCC Act and do not require a licence.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the objectives of the QBCC Act.

Inconsistency with policy objectives of other legislation

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

Alternative ways of achieving policy objectives

The policy objectives can only be achieved by making the Amendment Regulation.

Benefits and costs of implementation

Implementation of the Amendment Regulation is not expected to incur additional costs for the State Government. The Amendment Regulation will allow holders of the landscape licence classes to undertake the construction, maintenance or repair of tennis or other sporting courts. This will align the licensing requirements with industry expectation, while still maintaining a highly qualified industry.

Consistency with fundamental legislative principles

The proposed Amendment Regulation is consistent with fundamental legislative principles.

Consultation

The Queensland Productivity Commission confirmed that as the amendment appears unlikely to result in significant adverse impacts, no further regulatory impact assessment is required under the Queensland Government Guide to Better Regulation.

Consultation has taken place with Tennis Queensland, Sports and Play Industry Association Ltd, Landscape Queensland, Jordin Sports Surfaces, the Housing Industry Association and Master Builders Queensland.

All parties consulted support the Amendment Regulation.