



Queensland Building and Construction Commission Act 1991

Queensland Building and Construction Commission Regulation 2003

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Reprint note

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Queensland

Queensland Building and Construction Commission Regulation 2003

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Queensland Building and Construction Commission Regulation 2003

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Queensland Building and Construction Commission Regulation 2003*.

2 Commencement

This regulation commences on 1 September 2003.

Part 2 Interpretation

3 Dictionary

The dictionary in schedule 3 defines particular words used in this regulation.

4 Number of storeys of a building

For deciding the number of storeys of a building, other than for section 67WE(1)(c) of the Act, the lowest storey is not counted if it consists mainly of a car park.

5 Work that is not building work

- (1) For the Act, schedule 2, definition building work, work stated in schedule 1AA is not building work.
- (2) To remove any doubt, it is declared that subsection (1) does not cease to apply to any work stated in schedule 1AA merely because the work is carried out in combination with other work stated in schedule 1AA.

[s 6]

6 Licensed builder—Act, sch 2, definition *licensed builder*

For the Act, schedule 2, definition *licensed builder*, a person is a licensed builder if the person is the holder of a builder contractor's licence.

6B Meaning of categories applying to licences

(1) A reference in schedule 1 to a particular category applying to a licence is a reference to the category of that name that applies under a financial requirements policy.

(2) In this section—

financial requirements policy means a policy of the board, about financial requirements for licensing, that is—

- (a) approved by regulation under section 19 of the Act; or
- (b) continued in force under schedule 1, section 26 of the Act.

8 Scope of work for a licence—*incidental work of another class*

(1) This section applies if, for a licence class under schedule 2 (the *relevant class*), the scope of work for the class includes incidental work of another class.

(2) A licensee under the relevant class may carry out, or engage another person to carry out, building work with a total value of \$3,300 or less—

- (a) that is within the scope of work under a licence class other than the relevant class; and
- (b) that is incidental to building work being carried out under the relevant class; and
- (c) that is—
 - (i) for work for which an occupational licence or a fire protection licence is required—carried out by a licensee who holds a licence to carry out the work; or

- (ii) otherwise—carried out by the licensee or a licensee who holds a licence to carry out the work.
- (3) To remove any doubt, a licensee under the relevant class may do the following—
- (a) personally carry out work mentioned in subsection (2)(c)(ii);
 - (b) engage a person who holds an appropriate licence to carry out work mentioned in subsection (2)(c)(i) or (ii).

Part 3 Licences

14 Classes of contractor’s licence—Act, s 30(2)

Contractors’ licences are divided into the classes specified in schedule 2.

14A Classes of nominee supervisor’s licence—Act, s 30A(3)

Nominee supervisors’ licences are divided into the classes specified in schedule 2.

14B Classes of site supervisor’s licence—Act, s 30B(3)

Site supervisors’ licences are divided into the classes specified in schedule 2 other than the classes specified in parts 21 to 30B.

14C Classes of fire protection occupational licence—Act, s 30C(3)

Fire protection occupational licences are divided into the classes specified in schedule 2A.

15 **Qualifications and experience for contractor's licence— Act, s 31**

- (1) For section 31(1)(b) of the Act, the qualifications and experience in relation to a licence are the qualifications and experience stated in schedule 2 for the relevant class of licence.
- (2) Also, for a class of licence other than a class mentioned in schedule 2, parts 18, 19, 21 to 30B, 33 and 52, a combination of any 2 or more of the following is a qualification for the class if the commission is satisfied the combination is at least equivalent to the required competency for the class—
 - (a) successful completion of an apprenticeship;
 - (b) a recognition certificate;
 - (c) a qualification or statement of attainment of required competency for any class of licence mentioned in schedule 2;
 - (d) a written statement issued by an approved authority that the individual has the required competency for the class of licence.
- (3) In this section—

recognition certificate means a recognition certificate, issued under the repealed *Vocational Education, Training and Employment Act 2000*, that has not been cancelled.

required competency, for a class of licence, means units of competency approved by the commission as the minimum technical requirements for the class.

statement of attainment means a VET statement of attainment under the *National Vocational Education and Training Regulator Act 2011* (Cwlth).

16 **Requirements for nominee supervisor's licence—Act, s 32(1)(a)**

For section 32(1)(a) of the Act, the qualifications, managerial qualifications, if any, and experience for a nominee

supervisor's licence are the technical qualifications, managerial qualifications, if any, and experience stated in schedule 2 for the relevant class of licence.

16A Requirements for site supervisor's licence—Act, s 32AA(1)(a)

For section 32AA(1)(a) of the Act, the qualifications for a site supervisor's licence are the technical qualifications stated in schedule 2 for the relevant class of licence.

16B Requirements for fire protection occupational licence—Act, s 32AB

For section 32AB(1)(a) of the Act, the qualifications for a fire protection occupational licence are the technical qualifications stated in schedule 2A for the relevant class of licence.

17 Application for a licence—Act, s 33

- (1) For section 33(1)(a) of the Act, an application for a licence must—
- (a) be made to the commission; and
 - (b) be accompanied by—
 - (i) for an application for a contractor's or nominee supervisor's licence—the documentary evidence, satisfactory to the commission, of the applicant's identity, qualifications and experience; and
 - (ii) for an application for a site supervisor's licence—the documentary evidence, satisfactory to the commission, of the applicant's identity, and qualifications; and
 - (iii) for an application for a contractor's licence—the documentary evidence required by the financial requirements stated in the board's policies; and

[s 17A]

- (iv) the licence application fee and licence fee specified in schedule 1.
- (2) An applicant or, if the applicant is a company, an officer of the company must, at the request of the commission—
 - (a) attend an interview with an officer of the commission to answer questions and provide information about the application; and
 - (b) provide the commission with any further evidence it reasonably requires to decide the application.
- (3) If the applicant (or the officer) does not, without a reasonable excuse, attend an interview or provide evidence required under this section, the commission may reject the application on that ground.
- (4) Subsection (5) applies to an application if—
 - (a) the applicant is a company; and
 - (b) the commission is satisfied the company's main object is to conduct training for persons to undertake building work.
- (5) Payment of the application fee and the licence fee for the application is waived.

17A When site supervisor's and fire protection occupational licences are to be renewed—Act, s 37(2)(b)

For section 37(2)(b) of the Act, the period prescribed is 3 years.

18 Applications for renewal of licence—Act, s 37B(2)

- (1) For section 37B(2) of the Act, the licence fee for a renewal of a licence must be paid on or before 4.30p.m. on the day on which the licence is due to expire.
- (2) Payment of the licence fee for a renewal of a licence is waived if—
 - (a) the licensee is a company; and

- (b) the commission is satisfied the company's main object is to conduct training for persons to undertake building work.

19 Refund of licence fee

- (1) The commission may refund the unexpired part of the licence fee paid by a licensee if—
- (a) the licensee surrenders the licence before the expiry day for the licence; or
- (b) the licensee dies during the licence period.
- (2) The unexpired part is the amount worked out using the formula—

$$\frac{LF \times WM}{12 \times Y}$$

where—

LF means the licence fee paid by the licensee, whether for a 1-year or a 3-year period.

WM means the whole months before the expiry date for the licence.

Y means the number of years for which the licence was renewed.

- (3) For subsection (2), a whole month means a month beginning on the day of the calendar month on which the licence was issued and ending on the day before the corresponding day of the next calendar month.

Examples of a whole month—

Example 1

for a licence issued on 1 September in a year—a month beginning on the first day of any month and ending on the last day of that month

Example 2

for a licence issued on 7 March in a year—a month beginning on the seventh day of any month and ending on the sixth day of the next month

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ACT 1991.’

- (2) The notice must be given in duplicate, and the purchaser must sign 1 copy of the notice and return it to the vendor on or before signing the contract.

Part 5 Statutory insurance scheme

Division 1 Name of scheme

23 Name of statutory insurance scheme

For section 67X(4) of the Act, the name of the statutory insurance scheme is the Queensland Home Warranty Scheme.

Division 2 Work under the scheme

24 Work not covered under the statutory insurance scheme

- (1) For section 67WB(1)(f) of the Act, the following work is prescribed—
- (a) work on or for a duplex or multiple dwelling if the duplex or multiple dwelling is more than 3 storeys;
- Examples for paragraph (a)—*
- work for tiling the kitchen in a single residential unit in a 4-storey duplex
 - work for renovating the bathroom of a single residential unit in a 10-storey multiple dwelling
- (b) work on or for a building used or proposed to be used for a purpose related to the use of a duplex, or proposed duplex, of more than 3 storeys;

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- (c) work on or for a building used or proposed to be used for a purpose related to the use of a multiple dwelling, or proposed multiple dwelling, of more than 3 storeys;
- (d) work on or for a building that is—
 - (i) on, or proposed to be on, the site of a residence or proposed residence; and
 - (ii) used, or proposed to be used, primarily for a purpose that is not related to the use of the residence or proposed residence;
- (e) work on or for a class 1b, 3, 4, 5, 6, 7b, 8 or 9 building;
- (f) work on or for a class 7a building unless the building is, or is proposed to be, used with a class 2 building;
- (g) work for the erection, construction or installation of a swimming pool if the swimming pool is, or is proposed to be, used primarily for a purpose that is not related to the use of a residence or proposed residence;
- (h) work for the erection, construction or installation of a structure that is not fixed.

Example for paragraph (h)—

work for installing a portable spa pool

- (2) In this section—

swimming pool see the *Building Act 1975*, schedule 2.

25 Primary insurable work

For section 67WC(1)(e) of the Act, the following building work is prescribed—

- (a) building work for the renovation, alteration, extension, improvement or repair of the building envelope for a residence or related roofed building;

Examples for paragraph (a)—

- painting an external wall of a residence or related roofed building

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- extending the building envelope for a residence by constructing a patio
- (b) building work for a structure attached to the external part of a residence or related roofed building if the structure does not have any other supporting structure;

Examples for paragraph (b)—

- an awning or handrail that is attached to a residence and does not have any other supporting structure
 - a soffit or cladding
- (c) building work for a structure attached to the external part of a residence or related roofed building if the structure is for—
- (i) the primary water supply to the residence or related roofed building; or
 - (ii) sewerage or drainage for the residence or related roofed building; or
 - (iii) stormwater discharge for the residence or related roofed building;

Examples for paragraph (c)—

- installing a water tank for the primary water supply to a residence
 - altering an existing water pipe for the primary water supply to a residence
 - repairing a downpipe or gutter that drains stormwater from a related roofed building to a stormwater drain
 - extending a sanitary drain that connects a residence to a main of a sewerage system
- (d) building work for an elevated platform, including a verandah and deck, that is attached to a residence or related roofed building;
- (e) building work for stairs, a ramp or a similar structure providing access to a residence or related roofed building if the stairs, ramp or structure are, or are to be, permanently attached to the residence or related roofed building;

[s 26]

- (f) building work for the installation, repair or replacement of support structures for a residence or related roofed building.

Examples for paragraph (f)—

- replacement of a stump for a residence or related roofed building
- installation or repair of a retaining wall that supports a residence or related roofed building
- installation of underpinning for a residence or related roofed building

26 Work that is not primary insurable work

- (1) For section 67WC(2)(e) of the Act, the following work is prescribed—

- (a) work mentioned in schedule 1AA, section 21, 26, 29, 30, 32, 36, 40 or 45;
- (b) installation of electrical appliances intended to be permanently fixed to a residence or related roofed building;
- (c) installation, renovation, repair or replacement of any of the following—

- (i) a cubbyhouse;
- (ii) a structure for housing animals;

Example for subparagraph (ii)—

a doghouse

- (iii) a shade sail or fixed umbrella;
- (iv) telephone or data cables;
- (v) a water meter;
- (vi) a water tank that is not for the primary water supply to a residence or related roofed building;
- (d) construction of a slab if—

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- (i) the slab is not within, or not attached or connected to, the building envelope of a residence or related roofed building; or
 - (ii) the work for the construction of the slab does not include the erection or construction of a residence, related roofed building or swimming pool on the slab.
- (2) In this section—

electrical appliance means an instrument, apparatus or device that is connected to an electricity supply by means of a flexible cord plug and socket outlet.

swimming pool see the *Building Act 1975*, schedule 2.

26A Calculating number of storeys of building

For section 67WE(4) of the Act, the number of storeys of a building is calculated by excluding 1 storey of the building if more than 50% of the floor area of at least 1 storey of the building is designed to accommodate motor vehicles.

Example—

If a building has 3 storeys containing residential units and another storey where more than 50% of the floor area of the storey is designed to accommodate motor vehicles, the number of storeys of the building is 3.

Division 3 Assistance

26B Terms of cover

- (1) For section 67Y of the Act, the terms of cover under which a consumer is entitled to assistance under the statutory insurance scheme are stated in schedule 2C.
- (2) The terms of cover apply to the following work—
 - (a) residential construction work;

[s 26C]

- (b) work performed by either of the following if the work is associated with residential construction work—
 - (i) an architect in the architect’s professional practice;
 - (ii) an engineer in the engineer’s professional practice.
- (3) The terms of cover applying to a claim under the statutory insurance scheme relating to residential construction work are the terms of cover stated in schedule 2C when—
 - (a) if the consumer for the work obtains optional additional cover—the optional additional cover comes into force for the work; or
 - (b) otherwise—cover under the statutory insurance scheme comes into force for the work.

Note—

See section 68I of the Act for when cover under the statutory insurance scheme comes into force for residential construction work.

26C Optional additional cover

- (1) For section 67Z(4) of the Act, schedule 2C provides for other matters relating to optional additional cover.
- (2) For section 67Z(5) of the Act, definition *optional additional cover*, the additional assistance provided to a person and the additional compensation to be paid under the statutory insurance scheme are stated in schedule 2C.

26D Associate of building contractor not entitled to assistance under statutory insurance scheme

- (1) For section 68(4) of the Act, if a building contractor carries out residential construction work, a person who is an associate of the building contractor is not entitled to assistance under the statutory insurance scheme in relation to the work.
- (2) In this section—

associate, of a building contractor, means—

 - (a) if the building contractor is an individual—

- (i) the individual's spouse or child; or
 - (ii) a person who is a trustee of a trust of which the individual is a trustee or beneficiary; or
 - (iii) a person who is a trustee of a trust of which an associate of the individual is a trustee or beneficiary; or
 - (iv) a corporation of which the individual is an executive officer; or
 - (v) a corporation in which the individual or the individual's spouse or child holds a controlling interest or is able to substantially influence the corporation's affairs; or
- (b) if the building contractor is a corporation—
- (i) an executive officer of the corporation; or
 - (ii) a person who holds a controlling interest in the corporation or is able to substantially influence the corporation's affairs; or
- Examples for subparagraph (ii)—*
- a shareholder with a significant shareholding
 - a financier
 - a senior employee
 - an executive officer of another corporation that holds a controlling interest in the corporation
- (iii) the spouse or child of a person mentioned in subparagraph (i), (ii) or (vii); or
 - (iv) a person who is a trustee of a trust of which the corporation is a trustee or beneficiary; or
 - (v) a person who is a trustee of a trust of which an associate of the corporation is a trustee or beneficiary; or
 - (vi) a related body corporate of the corporation; or
 - (vii) the corporation's nominee.

[s 26E]

building contractor does not include a subcontractor who carries out building work for a building contractor.

related body corporate see the Corporations Act, section 50.

Division 4 Calculating insurable value

26E Application of division

This division prescribes, for section 68D(5) of the Act, the way to calculate the insurable value of particular residential construction work.

26F Work for multiple dwelling

- (1) This section applies if residential construction work includes any of the following work—
 - (a) residential construction work for the erection or construction of a multiple dwelling;
 - (b) residential construction work for the alteration or repair of the footings or slab of a multiple dwelling;
 - (c) residential construction work for the renovation, alteration, extension, repair or replacement of all or part of the roof, including its supporting structure, and guttering of a multiple dwelling if the insurable value of the work is more than \$5,000;
 - (d) residential construction work for the renovation, alteration, extension, improvement or repair of the common property for a community titles scheme if—
 - (i) the work is in or on a multiple dwelling in the community titles scheme; and
 - (ii) the insurable value of the work is more than \$20,000;
 - (e) residential construction work for the renovation, alteration, extension, improvement or repair of 2 or more residential units in a multiple dwelling if—

- (i) the residential units are owned by the same person; and
 - (ii) the insurable value of the work is more than \$20,000.
- (2) The insurable value of the residential construction work for each living unit for which the work is to be carried out is calculated by dividing the insurable value of the residential construction work by the number of living units for which the work is to be carried out.

Note—

See also sections 26M and 26N.

26G Work for duplex

- (1) This section applies if—
- (a) residential construction work includes duplex work; and
 - (b) section 26F does not apply in relation to the work.
- (2) The insurable value of the residential construction work for each living unit for which the work is to be carried out is calculated by dividing the insurable value of the residential construction work by the number of living units for which the work is to be carried out.

Note—

See also sections 26M and 26N.

- (3) In this section—

duplex work means any of the following work—

- (a) residential construction work for the erection or construction of a duplex;
- (b) residential construction work for the alteration or repair of the footings or slab of a duplex;
- (c) residential construction work for the renovation, alteration, extension, repair or replacement of all or part of the roof, including its supporting structure, and

[s 26H]

- guttering of a duplex if the insurable value of the work is more than \$5,000;
- (d) residential construction work for the renovation, alteration, extension, improvement or repair of the common property for a community titles scheme if—
- (i) the work is in or on a duplex in the community titles scheme; and
- (ii) the insurable value of the work is more than \$20,000;
- (e) residential construction work for the renovation, alteration, extension, improvement or repair of both residential units in a duplex if the insurable value of the work is more than \$20,000.

26H Work for 2 or more detached dwellings

- (1) This section applies if—
- (a) residential construction work includes building work for 2 or more detached dwellings; and
- (b) section 26F or 26G does not apply in relation to the work.
- (2) The insurable value of the residential construction work for each living unit is calculated by dividing the insurable value of the residential construction work by the number of living units for which the work is to be carried out.

Note—

See also section 26N.

26HA Reference to particular work only includes primary building work

- (1) In this division, a reference to the following work only includes building work that is primary building work—
- (a) residential construction work mentioned in section 26F(1)(b) to (d);

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- (b) residential construction work mentioned in section 26G(3), definition *duplex work*, paragraphs (b) to (d).
- (2) However, for calculating an amount mentioned in the following sections, residential construction work that is not primary building work is included—
- (a) section 26F(1)(c) or (d)(ii);
- (b) section 26G(3), definition *duplex work*, paragraph (c) or (d)(ii).
- (3) In this section—

primary building work means relevant work for a duplex or multiple dwelling if—

- (a) the relevant work is either or both of the following—
- (i) within the building envelope, or for the renovation, alteration, extension, improvement or repair of the building envelope, for the duplex or multiple dwelling;
- (ii) for the guttering of a duplex or multiple dwelling; and
- (b) the insurable value of the relevant work is more than the regulated amount.

relevant work, for a duplex or multiple dwelling—

- (a) means any of the following work—
- (i) building work that affects the structural performance of the duplex or multiple dwelling;
- (ii) building work for the relocation or replacement of a roof, wall, internal partition, floor or foundation for the duplex or multiple dwelling;
- (iii) building work for the replacement or refitting of fixtures or fittings in a bathroom or kitchen in the duplex or multiple dwelling;
- (iv) building work for an unenclosed, elevated platform or verandah, including a deck, attached to the duplex or multiple dwelling;

[s 26I]

- (v) building work that increases the covered floor area of the duplex or multiple dwelling;
- (vi) building work for the installation or repair of the primary water supply to, or sewerage or drainage for, the duplex or multiple dwelling; and
- (b) only includes work that is primary insurable work; and
- (c) does not include painting.

Division 5 Miscellaneous

26I Matters for notice of cover

- (1) For section 68F(2) of the Act, the following matters must be included in a notice of cover for residential construction work—
 - (a) a description of the work;
 - (b) the name and licence number of the licensed contractor carrying out, or who is to carry out, the work;
 - (c) the address, including the lot on plan description, of the site where the work is being or is to be carried out;
 - (d) an amount representing the commission's assessment of the insurable value of the work when issuing the notice;
 - (e) the insurance premium paid for the work;
 - (f) whether optional additional cover has been obtained for the work;
 - (g) general information about when cover under the statutory insurance scheme comes into force;
 - (h) general information about the time within which a claim under the statutory insurance scheme must be made.

- (2) In this section—

licensed contractor see schedule 2C, section 2.

26J Refund of part of insurance premium

- (1) For section 70C of the Act, this section prescribes how to calculate the part of an insurance premium refundable because a variation of the value of residential construction work results in a decrease in the value of the work.
- (2) The part of the insurance premium is the difference between the amount of the premium paid for the residential construction work before the variation and the amount of the premium that would have been payable on the decreased value.

26K Amount for tenders for rectification work

The amount prescribed for section 71A(4) of the Act is \$20,000.

26L When work is taken to have started

- (1) For section 71F of the Act, residential construction work is taken to start for the purposes of part 5 of the Act when—
 - (a) if the work includes the erection or construction of a footing system or slab or the provision of sewerage or drainage on a site—the erection or construction of the footing system or slab, or the provision of sewerage or drainage, physically starts on the site; or
 - (b) otherwise—work for the renovation, alteration, extension, improvement or repair of an existing building on a site physically starts on the site.
- (2) In this section—

physically starts, for residential construction work, does not include starting any of the following—

 - (a) the preparation of plans or specifications for the performance of the work;
 - (b) design work;
 - (c) administration services;

[s 26M]

- (d) earthmoving or excavating;
- (e) site work related to the residential construction work.

26M Residential unit for which residential construction work carried out

- (1) This section applies if—
 - (a) residential construction work is for the renovation, alteration, extension, improvement or repair of the common property for a community titles scheme; and
 - (b) the work is in or on a duplex or multiple dwelling in the community titles scheme.
- (2) The work is taken to be carried out for all residential units in the duplex or multiple dwelling.
- (3) However, subsection (2) does not apply if the residential construction work for the common property is only for common property the subject of an exclusive use by-law under the *Body Corporate and Community Management Act 1997*.

26N Living units

For this part, and schedule 2C—

- (a) a single detached dwelling is taken to be 1 living unit; and
- (b) a residential unit is taken to be 1 living unit; and
- (c) a duplex is taken to be 2 living units.

27 Insurance information statement

- (1) An interested person for land or a manufactured home may, on payment of the insurance information statement fee stated in schedule 1, ask the commission for an insurance information statement about the land or manufactured home.
- (2) The commission must comply with the request.

(3) In this section—

home owner, of a manufactured home, means a home owner under the *Manufactured Homes (Residential Parks) Act 2003*.

interested person, for land or a manufactured home, means—

- (a) an owner of the land; or
- (b) a home owner of the manufactured home; or
- (c) a prospective purchaser of the land or manufactured home; or
- (d) the agent of a person mentioned in paragraph (a), (b) or (c).

owner, of land, includes the body corporate that under an approved determination of native title under the *Native Title Act 1993* (Cwlth) has the exclusive right to regulate possession, occupation, use and enjoyment of the land.

Note—

See also schedule 2 of the Act, definition *owner*.

prospective purchaser, of land or a manufactured home, means a person who the commission is satisfied—

- (a) if the land or manufactured home is offered or advertised for sale—is investigating purchasing the land or manufactured home; or
- (b) has entered into a contract with the owner of the land or the home owner of the manufactured home for the purchase of the land or manufactured home.

Part 5A Disqualified individuals

27AA Demerit offence—Act, s 67AR

For section 67AR of the Act, each of the following is a demerit offence—

- (a) an offence against a provision of the Act stated in schedule 2AA, column 1;

[s 27AB]

- (b) a contravention of a requirement imposed under a provision of the Act stated in schedule 2AA, column 1.

27AB Demerit points—Act, s 67AW(2)(a)

For section 67AW(2)(a) of the Act, the number of points allocated to a demerit offence is the number stated opposite the offence in schedule 2AA, column 2.

Part 5B Domestic building contracts

27AC Level 2 amount—Act, sch 1B, s 7

For the Act, schedule 1B, section 7(2), definition *level 2 amount*, the prescribed amount is \$20,000.

27AD Building that is not a home—Act, sch 1B, s 9

For schedule 1B, section 9(2) of the Act, each of the following is declared not to be a home—

- (a) premises not intended to be used for permanent habitation;
- (b) a guesthouse, hostel or similar establishment;
- (c) a motel, residential club, residential hotel, residential part of a licensed premises or a serviced apartment;
- (d) a hospital, nursing home, aged care home, hostel or retirement village;
- (e) residential premises associated with a hospital or educational institution;
- (f) residential premises specifically set aside as a place at which specialised care services are supplied to children or disabled persons residing at the place;
- (g) a prison or similar establishment;
- (h) a caravan.

**27AE Publication of consumer building guide—Act, sch 1B,
s 46**

For schedule 1B, section 46(1) of the Act, the commission must publish the consumer building guide on the commission's website.

Part 6 General

27A Fire protection work—Act, s 42C(2)

- (1) For section 42C(2)(a) of the Act, the fire protection work mentioned in schedule 2B, column 1 is prescribed.
- (2) For section 42C(2)(b) of the Act, the technical qualifications mentioned in schedule 2B, column 2 are prescribed for the corresponding fire protection work mentioned in schedule 2B, column 1.

28 Signs to be exhibited—Act, s 52

For section 52 of the Act, a sign must—

- (a) be made of weatherproof materials; and
- (b) have a surface area of at least 0.5m²; and
- (c) be printed in letters at least 5cm high and placed in a way that can be easily read from the nearest street alignment.

29 Advertisements—Act, s 54

For section 54(c) of the Act, the information to be included in an advertisement under section 54(a) and (b) of the Act must—

- (a) if written—be easily read; or
- (b) if spoken—be no less audible and clear than other spoken material contained in the advertisement.

30 Notification of nominee—Act, s 55

- (1) The notice required by section 55 of the Act must be in writing and must contain the following information—
 - (a) the name under which the company is licensed;
 - (b) the licence number and class of licence held by the company;
 - (c) the full name, address and licence number of the former nominee;
 - (d) the date on which the former nominee ceased to be a nominee of the company;
 - (e) in the case of a change of nominee—
 - (i) the full name, address and licence number of the new nominee; and
 - (ii) the date on which the new nominee became the nominee of the company.
- (2) The notice must also contain the name of a director of the company or an officer authorised by the company to give the notice, and be signed by the director or officer.

31 Partnerships—Act, s 56

- (1) For section 56(1)(c) of the Act, an advertisement must, in addition to the name under which the licensed contractor is licensed, state that the contractor is licensed under the Act, and the contractor's licence number.
- (2) The name, the statement about being licensed and the licence number must—
 - (a) if written—be able to be easily read; or
 - (b) if spoken—be no less audible and clear than other spoken material contained in the advertisement.

32 Warning that contract is a construction management trade contract—Act, s 67V

- (1) For section 67V(2) of the Act, the following form of warning is prescribed—

**‘APPROVED WARNING UNDER SECTION 67V OF
THE QUEENSLAND BUILDING AND
CONSTRUCTION COMMISSION ACT 1991**

This contract is a construction management trade contract, not a subcontract.

You should be aware that, unlike a subcontract, under this contract the contracting party responsible for making payments to you (whether directly to you, or through the construction manager identified in this contract) is not required to demonstrate financial capacity to undertake the project under the *Queensland Building and Construction Commission Act 1991* or any other legislation.

You should make your own enquiries to satisfy yourself that the contracting party responsible for making payments to you under this contract has the financial capacity to fulfil its financial obligations to you.’

- (2) The warning in subsection (1) must be—
- (a) on the first page of the contract; and
 - (b) in bold type of at least 12 point font size.

33 Particulars in register—Act, s 99(2)(e)

- (1) For section 99(2)(e) of the Act, the particulars are the following—
- (a) for a licensee who holds a licence that authorises the licensee to carry out residential construction work—
 - (i) the value of residential construction work carried out by the licensee other than work carried out as a subcontractor; and
 - (ii) the number of projects involving residential construction work for which the licensee has

carried out, or agreed to carry out, building work as a licensee; and

- (iii) if the licensee is a company—the full name and business address of the nominee and each director and secretary of the company;
 - (b) the licensee’s current allowable annual turnover category;
 - (c) if the licensee is a company and the nominee, a licensed director or a licensed secretary of the company is, or within the last 10 years was, a nominee, a licensed director or a licensed secretary of another company (the *other company*) that was a licensee at the relevant time—the name of the other company.
- (2) If a nominee, director or secretary mentioned in subsection (1)(a)(iii) does not have a business address, the register must instead contain the residential address of each nominee, director and secretary.
- (3) In this section—

allowable annual turnover category, for a licensee, means the category designated, under the board’s policies, for the licensee’s allowable annual turnover.

licensed director means a director of a company if—

- (a) the company is, or is required to be, a licensee; and
- (b) the director is also, or is also required to be, a licensee.

licensed secretary means a secretary of a company if—

- (a) the company is, or is required to be, a licensee; and
- (b) the secretary is also, or is also required to be, a licensee.

relevant time means any time during which the person mentioned in subsection (1)(c) is or was a nominee, a licensed director or a licensed secretary of the other company.

33A Prescribed government project—Act, sch 1A, s 11

- (1) For the Act, schedule 1A, section 11(5), definition *prescribed government project*, the construction of the Commonwealth Games village (the *relevant project*) is prescribed.
- (2) For the Act, schedule 1A, section 11(2)(a), building work of any class is prescribed for the relevant project.

34 Single amount to be transferred from General Statutory Fund to Insurance Fund—Act, s 25

For section 25(4) of the Act, the single amount is \$2,769,000.

34A Approval of board's policies—Act, s 19

For section 19(1) of the Act, the policies stated in schedule 1A are approved.

34AA Prescribed persons and ways to examine building products or samples—Act, s 106O

- (1) For section 106O(4) of the Act, the prescribed classes of person for examining a building product or sample are—
 - (a) if an Australian Standard states a way to examine the building product or sample—
 - (i) persons accredited by NATA to examine the building product or sample; and
 - (ii) persons accredited by another entity to examine the building product or sample, if the accreditation is recognised by NATA under a written agreement between NATA and the entity; and
 - (b) if paragraph (a) does not apply—persons the commissioner is satisfied are appropriately qualified to examine the building product or sample in the way mentioned in subsection (2)(b).
- (2) For section 106O(4) of the Act, the prescribed ways to examine a building product or sample are—

[s 34AB]

- (a) if an Australian Standard states a way to examine the building product or sample—the stated way; and
 - (b) if paragraph (a) does not apply—a way the commissioner is satisfied is appropriate for examining the building product or sample for the purposes of part 6AA of the Act.
- (3) In this section—
- NATA* means the National Association of Testing Authorities Australia ABN 59 004 379 748.

34AB Record keeping

The commissioner must keep a record of persons mentioned in section 34AA(1)(b).

34B Interest

- (1) For section 77(2)(c) of the Act, interest is payable on the amount of damages awarded—
- (a) if the parties have entered into a contract—at the rate specified under the contract; or
 - (b) at the rate agreed between the parties; or
 - (c) otherwise—at the rate of 10%.
- (2) The interest is payable on and from the day after the day that the amount became payable until and including the day the amount is paid.

35 Fees

The fees in schedule 1 are the prescribed fees for the purposes mentioned in the schedule.

Part 7 **Repeals and transitional provisions**

Division 1 **Repeals**

36 **Repeals of regulations**

The following regulations are repealed—

- Queensland Building Services Authority Regulation 1992 SL No. 167
- Queensland Building Services Authority Amendment Regulation (No. 1) 1992 SL No. 438
- Queensland Building Services Authority Amendment Regulation (No. 1) 1993 SL No. 25
- Queensland Building Services Authority Amendment Regulation (No. 2) 1993 SL No. 325
- Queensland Building Services Authority Amendment Regulation (No. 3) 1993 SL No. 412
- Queensland Building Services Authority Amendment Regulation (No. 4) 1993 SL No. 492
- Queensland Building Services Authority Amendment Regulation (No. 1) 1994 SL No. 40.

Division 2 **Transitional provisions for Queensland Building Services Authority Regulation 2003**

37 **Definitions for div 2**

In this division—

commencement means commencement of this section.

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existing licence means a licence under the repealed regulation.

repealed regulation means the *Queensland Building Services Authority Regulation 1992*.

38 References to repealed regulation

In an Act or document, a reference to the repealed regulation may, if the context permits, be taken as a reference to this regulation.

39 Transitional provision about construction management trade contracts

- (1) This section applies to a construction management trade contract entered into during the transition period.
- (2) Despite section 32(2), a warning on the contract is taken to be in the form prescribed by regulation—
 - (a) if the warning is substantially to the same effect as the form of warning in section 32(1); and
 - (b) whether or not the warning is on the first page of the contract or in bold type of at least 12 point font size.
- (3) In this section—

transition period means the period starting on the commencement and ending on 30 June 2004.

40 Transitioned licences subject to conditions etc.

- (1) This section applies if a licensee's existing licence was, immediately before the commencement, subject to a condition, endorsement or restriction.
- (2) The licence is taken to be subject to the same condition, endorsement or restriction, regardless of whether, under this division, the licensee is taken to be a licensee for a licence of different class.

- (3) However, if the name of the existing licence includes ‘restricted’, the restriction specified in the name is not a restriction for subsection (1).

Example—

An existing licence ‘bricklaying restricted to blocklaying’ that is not subject to any condition, endorsement or restriction transitions to a licence ‘bricklaying and blocklaying’ (the *new licence*) under section 41. The new licence is not restricted, and the licensee may carry out bricklaying and blocklaying.

41 Existing licences that automatically transition to new licence class

- (1) This section applies to a licensee who immediately before the commencement held an existing licence of a class mentioned in column 1 of the following table (the *column 1 licence*)—

Table

	Column 1	Column 2
1	building design	building design—open
2	building design (limited)	building design—medium rise
3	residential design	building design—medium rise
4	residential design (limited)	building design—low rise
5	general building	builder—open
6	general building restricted to 3 storeys	builder—medium rise
7	general building restricted to 1 storey	builder—low rise
8	completed building inspection	completed residential building inspection
9	completed building inspection restricted to residential buildings	completed residential building inspection

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	Column 1	Column 2
10	kitchen, bathroom and laundry installations	builder restricted to kitchen, bathroom and laundry installation
11	hydraulic services design	hydraulic services design
12	hydraulic services design excluding on-site domestic waste water management	hydraulic services design excluding on-site domestic waste water management
13	bricklaying	bricklaying and blocklaying
14	bricklaying restricted to blocklaying	bricklaying and blocklaying
15	bricklaying restricted to brick and segmental paving	brick and segmental paving
16	carpentry and joinery	carpentry joinery
17	carpentry restricted to joinery products	joinery
18	concreting	concreting
19	concreting restricted to piling and foundations	foundation work (piling and anchors)
20	steel fixing	steel fixing
21	fire fighting appliances	fire fighting appliances
22	fire hydrants and fire hose reels	fire hose reels and fire hydrants
23	fire detection systems	fire detection systems
24	fire sprinkler systems (domestic and residential)	fire sprinkler systems (domestic and residential)
25	fire sprinkler systems (other than domestic and residential)	fire sprinkler systems (other than domestic and residential)

	Column 1	Column 2
26	fire suppression systems—special hazards	fire suppression systems—special hazards
27	passive fire equipment (wall and ceiling lining)	fire equipment—passive (wall and ceiling lining)
28	passive fire equipment (fire doors and fire shutters)	fire equipment—passive (fire doors and fire shutters)
29	fixed fire pump sets	fixed fire pump sets
30	floor finishing and covering	floor finishing and covering (hard sector)
31	gas fitting	gasfitting
32	glazing	glass, glazing and aluminium
33	metal fabricating	structural metal fabrication and erection sheds, carports and garages
34	metal fabricating restricted to non-structural metal fabricating	non-structural metal fabrication and installation
35	metal fabricating restricted to sheds, garages and carports	sheds, carports and garages
36	painting	painting and decorating
37	pest controlling	termite management—chemical
38	pest controlling restricted to termite barrier installation	termite management—physical
39	plastering (solid)	plastering solid
40	plastering (drywall)	plastering drywall
41	plumbing and draining	plumbing and drainage
42	plumbing and draining restricted to draining	drainage

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	Column 1	Column 2
43	plumbing and draining restricted to roofing and wall cladding	metal roofing and wall cladding
44	plumbing and draining restricted to urban irrigation	irrigation
45	plumbing and draining restricted to fascias, barges, gutters and downpipes	metal fascias and gutters
46	refrigeration, airconditioning and mechanical services restricted to ducting manufacture and installation	air handling duct installation
47	roof tiling	roof tiling
48	site classifier	site classifier
49	site classifier excluding on-site domestic waste water management	site classifier excluding on-site domestic waste water management
50	stone masonry	stonemasonry
51	swimming pool construction	builder restricted to swimming pool construction
52	wall and floor tiling	wall and floor tiling
53	waterproofing application	waterproofing
54	waterproofing restricted to commercial waterproofing	waterproofing
55	waterproofing restricted to residential waterproofing	waterproofing

- (2) The licensee is taken to be a licensee for a licence of a class mentioned in column 2 of the table shown opposite the column 1 licence.

42 Existing licences that may be transitioned to new licence class

- (1) This section applies to a licensee who immediately before the commencement held an existing licence of a class mentioned in column 1 of the following table (the *column 1 licence*)—

Table

	Column 1	Column 2	Column 3
1	housebuilding	builder medium rise	demonstrated experience of at least 1 year in the scope of work mentioned in schedule 2, part 5
2	refrigeration, airconditioning and mechanical services	refrigeration, airconditioning and mechanical services including unlimited design	demonstrated experience of at least 1 year in the scope of work mentioned in schedule 2, part 44
3	shop fitting	builder restricted to shopfitting	demonstrated experience of at least 1 year in the scope of work mentioned in schedule 2, part 8
4	structural landscaping	builder restricted to structural landscaping	demonstrated experience of at least 1 year in the scope of work mentioned in schedule 2, part 9

- (2) The licensee may continue to hold the column 1 licence for not more than 2 years from the commencement, and while the licensee holds the licence, is taken to hold it under the Act.
- (3) While the licensee continues to hold the licence, the provisions of schedule 2 of the repealed regulation that

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applied to the licence immediately before the commencement are taken to continue to apply to it.

- (4) Subject to subsection (5), the licensee may, within 2 years from the commencement, elect to become a licensee for a licence of the class mentioned in column 2 of the table (the ***column 2 licence***) shown opposite the column 1 licence.
- (5) The licensee may make an election under subsection (4) only if the licensee meets any experience requirement or qualification requirement mentioned in column 3 of the table shown opposite the column 2 licence.
- (6) If the licensee does not make an election under subsection (4), the licensee is, after 2 years from the commencement, taken to hold—
 - (a) for a housebuilding licence—a builder low rise licence; or
 - (b) for a refrigeration, airconditioning and mechanical services licence—a refrigeration, airconditioning and mechanical services including limited design licence; or
 - (c) for a shopfitting licence—a shopfitting (trade) licence; or
 - (d) for a structural landscaping licence—a structural landscaping (trade) licence.
- (7) Despite subsections (4) to (6), the licensee may, within 2 years from the commencement, elect to hold—
 - (a) for a housebuilding licence—a builder low rise licence; or
 - (b) for a refrigeration, airconditioning and mechanical services licence—a refrigeration, airconditioning and mechanical services including limited design licence; or
 - (c) for a shopfitting licence—a shopfitting (trade) licence; or
 - (d) for a structural landscaping licence—a structural landscaping (trade) licence.

43 Licences that may be held and renewed after commencement—Act, s 30

- (1) For section 30(4) of the Act, the following classes of licence (the *continuing classes*) are specified—
- building restricted to alterations and additions
 - building restricted to external finishes
 - building restricted to building removal
 - building restricted to renovations, repairs and maintenance
 - building restricted to repairs and maintenance
 - building restricted to non-structural renovations
 - carpentry (formwork)
 - carpentry restricted to framing
 - carpentry restricted to lattice and other timber work
 - concreting restricted to concrete repairs
 - concreting restricted to light concreting
 - concreting restricted to minor repairs
 - concreting restricted to special finishes
 - specialised contracting—screw-in foundations
 - floor finishing and covering restricted to floor sanding and finishing—timber floors
 - floor finishing and covering restricted to install floating flooring
 - floor finishing and covering restricted to install strip flooring (non-structural)
 - floor finishing and covering restricted to seamless flooring
 - floor finishing and covering restricted to install cork flooring

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- floor finishing and covering restricted to install parquetry flooring
 - painting restricted to roof painting
 - painting restricted to special finishes
 - plastering drywall restricted to cornice fixing
 - plastering drywall restricted to partition installation
 - plastering drywall restricted to plaster setting
 - plastering drywall restricted to suspended ceiling fixing
 - plastering drywall restricted to wallboard fixing
 - plumbing and draining restricted to plumbing
 - plumbing and draining restricted to wall cladding
 - plumbing and draining restricted to skylight and ventilator installation
 - plumbing and draining restricted to tanks—water supply
 - specialised contracting—solid fuel heater installation
 - refrigeration, airconditioning and mechanical services restricted to multipackaged residential airconditioning equipment and plant
 - refrigeration, airconditioning and mechanical services restricted to residential evaporative cooling equipment
 - refrigeration, airconditioning and mechanical services restricted to self-contained window package residential airconditioning installation
 - roof tiling restricted to roof tile maintenance
 - structural landscaping restricted to fences
 - structural landscaping restricted to retaining walls
 - swimming pool and spa construction restricted to finishes.
- (2) While a licensee holds a licence of a continuing class, the provisions of schedule 2 of the repealed regulation that

applied to the licence immediately before the commencement are taken to continue to apply to it.

44 Completed building inspections by certain housebuilders

- (1) This section applies to a licensee who, immediately before the commencement—
 - (a) held an existing licence that was a housebuilding licence; and
 - (b) had professional indemnity insurance for at least \$1,000,000 for completed building inspections.
- (2) The authority may grant the person a licence under schedule 2, part 14 if the person applies to the authority for the licence within 6 months after the commencement.

45 Transitional provision about certain persons enrolled in Certificate IV in Building CNBUI012

- (1) This section applies to a person who enrolled in the course Certificate IV in Building CNBUI012 before 1 March 2003, and was enrolled in the course immediately before the commencement.
- (2) Despite schedule 2, part 4, section 3(a), for 2 years after the commencement, the person is taken to have a qualification for a licence under schedule 2, part 4 if the person has successfully completed the following modules from CNBUI012 Certificate IV in Building—
 - (a) Construction 1 ABC001;
 - (b) Construction 2 ABC002;
 - (c) Cost control and planning 1 ABC069;
 - (d) Building quantities and estimating 1A ABC076;
 - (e) Building quantities and estimating 1B ABC077;
 - (f) Building site surveying and set out 1 ABC083;
 - (g) Building technology 1 ABC088;

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- (h) Business management for building industry 1A ABC091;
- (i) Business management for building industry 1B ABC092;
- (j) Residential site safety ABC102A;
- (k) Timber framing code ABC105.

Division 3 Transitional provision for Queensland Building Services Authority Amendment Regulation (No. 1) 2007

46 Continuing classes of licences that automatically transition to new licence class

- (1) This section applies to a licensee who, immediately before the commencement of this section, held a licence mentioned in column 1 of the following table (the *column 1 licence*)—

Table

	Column 1	Column 2
1	swimming pool and spa construction restricted to concrete	swimming pool construction, installation and maintenance (construction)
2	swimming pool and spa construction restricted to fibreglass	swimming pool construction, installation and maintenance (installation)
3	swimming pool and spa construction restricted to pool maintenance and repairs	swimming pool construction, installation and maintenance (maintenance and accessories)

Column 1	Column 2
4 swimming pool and spa construction restricted to prefabricated or packaged products	swimming pool construction, installation and maintenance (installation)

(2) The licensee is taken to be a licensee for a licence of a class mentioned in column 2 of the table shown opposite the column 1 licence.

Division 4 Transitional provisions for Queensland Building Services Authority Amendment Regulation (No. 2) 2008

47 Definitions for div 4

In this division—

commencement means commencement of this section.

existing licence means a licence under the pre-amended regulation.

pre-amended regulation means this regulation as in force immediately before the commencement.

48 Transitioned licences subject to conditions

- (1) This section applies if a licensee's existing licence was, immediately before the commencement, subject to a condition or endorsement.
- (2) The licence is taken to be subject to the same condition or endorsement whether or not, as a result of this division, the licensee is taken to be a licensee for a licence of a different class.

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49 Existing licences that automatically transition to new licence class

- (1) This section applies to a licensee who, immediately before the commencement, held a contractor's or nominee supervisor's licence mentioned in column 1 of the following table (the *column 1 licence*)—

Table

Column 1	Column 2
1 fire detection systems	fire detection, alarm and warning systems—certify fire detection, alarm and warning systems—install and maintain—extra low voltage
2 fire detection systems restricted to carrying out certain work	fire detection, alarm and warning systems—install and maintain—extra low voltage
3 fire detection systems restricted certification of, and preparation of reports about, certain work	fire detection, alarm and warning systems—certify
4 fire equipment—passive (wall and ceiling lining)	passive fire protection—fire and smoke walls and ceilings—certify plastering drywall licence
5 fire equipment—passive (penetration and joint sealing)	passive fire protection—fire collars, penetrations and joint sealing—certify, install and maintain
6 fire equipment—passive (fire doors and fire shutters)	passive fire protection—fire doors and shutters—certify

Column 1	Column 2
7 fire equipment—passive (fire doors and fire shutters) restricted to carrying out certain work	passive fire protection—fire doors and shutters—inspect and test
8 fire equipment—passive (fire doors and fire shutters) restricted to certification of, and preparation of reports about, certain work	passive fire protection—fire doors and shutters—certify
9 fire fighting appliances	fire hydrants and hose reels—inspect and test portable fire equipment and hose reels (hose reels down stream of stop cock only)—certify portable fire equipment and hose reels (hose reels down stream of stop cock only)—install and maintain
10 fire fighting appliances restricted to carrying out certain work	portable fire equipment and hose reels (hose reels down stream of stop cock only)—install and maintain
11 fire fighting appliances restricted to certification of, and preparation of reports about, certain work	fire hydrants and hose reels—inspect and test portable fire equipment and hose reels (hose reels down stream of stop cock only)—certify
12 fire hose reels and fire hydrants	fire hydrants and hose reels—certify fire hydrants and hose reels—install and maintain

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	Column 1	Column 2
13	fire hose reels and fire hydrants restricted to carrying out certain work	fire hydrants and hose reels—install and maintain
14	fire hose reels and fire hydrants restricted to certification of, and preparation of reports about, certain work	fire hydrants and hose reels—certify
15	fixed fire pump sets	fire pumps—certify fire pumps—install and maintain
16	fixed fire pump sets restricted to carrying out certain work	fire pumps—install and maintain
17	fixed fire pump sets restricted to certification of, and preparation of reports about, certain work	fire pumps—certify
18	fire sprinkler systems (domestic and residential)	sprinkler and suppression systems (reticulated water based)—restricted to domestic or residential type—certify sprinkler and suppression systems (reticulated water based)—restricted to domestic or residential type—install and maintain
19	fire sprinkler systems (domestic and residential) restricted to carrying out certain work	sprinkler and suppression systems (reticulated water based)—restricted to domestic or residential type—install and maintain
20	fire sprinkler systems (domestic and residential) restricted to certification of, and preparation of reports about, certain work	sprinkler and suppression systems (reticulated water based)—restricted to domestic or residential type—certify

Column 1	Column 2
21 fire sprinkler systems (other than domestic and residential)	sprinkler and suppression systems (reticulated water based)—restricted to commercial or industrial type—certify sprinkler and suppression systems (reticulated water based)—restricted to commercial or industrial type—install and maintain
22 fire sprinkler systems (other than domestic and residential) restricted to carrying out certain work	sprinkler and suppression systems (reticulated water based)—restricted to commercial or industrial type—install and maintain
23 fire sprinkler systems (other than domestic and residential) restricted to certification of, and preparation of reports about, certain work	sprinkler and suppression systems (reticulated water based)—restricted to commercial or industrial type—certify
24 fire sprinkler systems (domestic and residential); and fire sprinkler systems (other than domestic and residential)	sprinkler and suppression systems (reticulated water based)—certify sprinkler and suppression systems (reticulated water based)—install and maintain
25 fire sprinkler systems (domestic and residential) restricted to carrying out certain work; and fire sprinkler systems (other than domestic and residential) restricted to carrying out certain work	sprinkler and suppression systems (reticulated water based)—install and maintain

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Column 1	Column 2
26 fire sprinkler systems (domestic and residential) restricted to certification of, and preparation of reports about, certain work; and fire sprinkler systems (other than domestic and residential) restricted to certification of, and preparation of reports about, certain work	sprinkler and suppression systems (reticulated water based)—certify
(2) If the licensee held a contractor’s licence, the licensee is taken to be a licensee for a contractor’s licence of a class mentioned in column 2 of the table shown opposite the column 1 licence. (3) If the licensee held a nominee supervisor’s licence, the licensee is taken to be a licensee for a nominee supervisor’s licence of a class mentioned in column 2 of the table shown opposite the column 1 licence.	
50 Contractors’ licences that may be held and renewed after commencement—Act, s 30	
(1) For section 30(4) of the Act, the following classes (the <i>continuing classes</i>) of licence are specified— (a) fire suppression systems—special hazards; (b) fire suppression systems—special hazards restricted to carrying out certain work; (c) fire suppression systems—special hazards restricted to certification of, and preparation of reports about, certain work. (2) While a licensee holds a continuing class of licence, the provisions of schedule 2, including the meaning of any definitions used in schedule 2, of the pre-amended regulation that applied to the licence immediately before the commencement are taken to continue to apply to it.	

51 Nominee supervisors' licences that may be held and renewed after commencement

- (1) This section applies to the following classes of nominee supervisor's licences—
 - (a) fire suppression systems—special hazards;
 - (b) fire suppression systems—special hazards restricted to carrying out certain work;
 - (c) fire suppression systems—special hazards restricted to certification of, and preparation of reports about, certain work.
- (2) A class of licence in subsection (1) may be held and renewed by a person who held that class immediately before commencement but may not, after commencement be applied for by, or issued to, another person.
- (3) While a licensee holds a class of licence in subsection (1), the provisions of schedule 2, including the meaning of any definitions used in schedule 2, of the pre-amended regulation that applied to the licence immediately before the commencement are taken to continue to apply to it.

52 Transitional provision for sprinkler and suppression systems (reticulated water based)—inspect and test

- (1) This section applies if an applicant has—
 - (a) satisfactorily completed the following competencies—
 - (i) Test fire protection systems for pressure BCPFS2005A;
 - (ii) Test and maintain automatic fire sprinklers BCPFS3009A; and
 - (b) provides the authority with evidence that—
 - (i) the applicant was employed, before 1 January 2009, in the fire protection industry; and

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- (ii) their duties in that employment included the inspection and testing of sprinkler and suppression systems.
- (2) The applicant is taken to hold the technical qualifications for a fire protection occupational licence in the class of sprinkler and suppression systems (reticulated water based)—inspect and test.

53 Transitional provision for certain qualifications

- (1) This section applies if—
 - (a) completion of a course before 1 January 2009 satisfies the technical requirements for a licence mentioned in column 1 of the table; and
 - (b) a person provides the authority with evidence that—
 - (i) the person was enrolled in the course before 1 January 2009; and
 - (ii) the person successfully completed the course before 1 January 2011.
- (2) The person is taken to satisfy the technical qualifications for a licence of a class mentioned in column 2 of the table shown opposite the licence in column 1 of the table.
- (3) In this section—
table means the table set out in section 49.

Division 5 Transitional provisions for Queensland Building Services Authority and Other Legislation Amendment Regulation (No. 2) 2009

54 Definition for div 5

In this division—

existing licence means a licence of a class specified in section 43.

55 Existing licence automatically transitions to licence class

- (1) This section applies to a licensee who immediately before the commencement held an existing licence for a class mentioned in column 1 of the following table (the *column 1 licence*)—

Table

	Column 1	Column 2
1	Building restricted to renovations—wet areas	Builder restricted to kitchen, bathroom and laundry installation
2	Carpentry restricted to internal finishes	Joinery
3	Carpentry restricted to outdoor construction	Structural landscaping (trade)
4	Concreting restricted to underpinning and foundation repairs	Foundation work (piling and anchors)
5	Painting restricted to new domestic buildings	Painting and decorating
6	Painting restricted to repainting domestic buildings	Painting and decorating

- (2) The licensee is taken to be a licensee for a licence of a class mentioned in column 2 of the table shown opposite the column 1 licence.

56 Existing licence combination automatically transitions to licence class

- (1) This section applies to a licensee who immediately before the commencement held an existing licence for all classes

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mentioned in an item in column 1 of the following table (the *column 1 licence combination*)—

Table

	Column 1	Column 2
1	Carpentry (formwork); and Carpentry restricted to framing	Carpentry
2	Carpentry (formwork); and Carpentry restricted to framing; and Carpentry restricted to lattice and other timber work	Carpentry
3	Carpentry restricted to outdoor construction; and Carpentry restricted to lattice and other timber work	Structural landscaping (trade)
4	Carpentry restricted to outdoor construction; and Structural landscaping restricted to fences	Structural landscaping (trade)
5	Carpentry restricted to outdoor construction; and Carpentry restricted to lattice and other timber work; and Structural landscaping restricted to fences	Structural landscaping (trade)

Column 1	Column 2
6 Floor finishing and covering restricted to floor sanding and finishing—timber floors; and Floor finishing and covering restricted to install floating flooring; and Floor finishing and covering restricted to install parquetry flooring	Floor finishing and covering (hard sector)
7 Floor finishing and covering restricted to floor sanding and finishing—timber floors; and Floor finishing and covering restricted to install cork flooring; and Floor finishing and covering restricted to parquetry flooring	Floor finishing and covering (hard sector)
8 Floor finishing and covering restricted to install floating flooring; and Floor finishing and covering restricted to install cork flooring; and Floor finishing and covering restricted to install parquetry flooring	Floor finishing and covering (hard sector)

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	Column 1	Column 2
9	Floor finishing and covering restricted to floor sanding and finishing—timber floors; and Floor finishing and covering restricted to install floating flooring; and Floor finishing and covering restricted to install strip flooring (non-structural)	Floor finishing and covering (hard sector)
10	Floor finishing and covering restricted to floor sanding and finishing—timber floors; and Floor finishing and covering restricted to install parquetry flooring; and Floor finishing and covering restricted to install strip flooring (non-structural); and A column 1 licence combination mentioned in items 6 to 9; and A floor finishing class	Floor finishing and covering (hard sector)
11	Painting restricted to new domestic buildings; and A painting class	Painting and decorating
12	Painting restricted to repainting domestic buildings; and A painting class	Painting and decorating

Column 1	Column 2
13 Plastering drywall restricted to wallboard fixing; and Plastering drywall restricted to plaster setting; and Plastering drywall restricted to cornice fixing	Plastering drywall
14 Plastering drywall restricted to wallboard fixing; and Plastering drywall restricted to plaster setting; and Plastering drywall restricted to cornice fixing; and A plastering class	Plastering drywall

(2) The licensee is taken to be a licensee for a licence of a class mentioned in column 2 of the table shown opposite the column 1 licence combination.

(3) In this section—

floor finishing class means 1 or more of the following—

- (a) floor finishing and covering restricted to floor sanding and finishing—timber floors;
- (b) floor finishing and covering restricted to install floating flooring;
- (c) floor finishing and covering restricted to install strip flooring (non-structural);
- (d) floor finishing and covering restricted to seamless flooring;
- (e) floor finishing and covering restricted to install cork flooring;
- (f) floor finishing and covering restricted to install parquetry flooring.

[s 57]

painting class means 1 or more of the following—

- (a) painting restricted to new domestic buildings;
- (b) painting restricted to repainting domestic buildings;
- (c) painting restricted to roof painting;
- (d) painting restricted to special finishes.

plastering class means 1 or more of the following—

- (a) plastering drywall restricted to cornice fixing;
- (b) plastering drywall restricted to partition installation;
- (c) plastering drywall restricted to plaster setting;
- (d) plastering drywall restricted to suspended ceiling fixing;
- (e) plastering drywall restricted to wallboard fixing.

57 Licence subject to a condition or endorsement

- (1) This section applies if a licensee held an existing licence subject to a condition or endorsement immediately before the commencement.
- (2) The licence is taken to be subject to the same condition or endorsement whether or not the licensee is taken to be a licensee for a licence of a different class because of this division.

58 Portable fire equipment and hose reels licence class qualification

- (1) This section applies if a person gives the authority evidence that—
 - (a) the person was enrolled in the competency unit called ‘Service portable fire extinguishers in the workshop PRMPFES14B’ (the ***competency unit***) before the commencement; and
 - (b) the person successfully completed the competency unit before 1 January 2011.

-
- (2) The person is taken to have satisfied the technical qualification mentioned in—
- (a) schedule 2, part 28, section 3(2)(a)(iii); and
 - (b) schedule 2A, part 8, section 3(2)(a)(iii).

Division 6 Transitional provision for Queensland Building and Construction Commission Amendment Regulation (No. 1) 2015

59 Existing application for contractor’s licence or renewal

- (1) This section applies if, before the commencement, a person applied for a contractor’s licence under section 33 of the Act or the renewal of a contractor’s licence under section 37B of the Act and the application had not been decided.
- (2) For the purposes of deciding the application—
- (a) the new policy does not apply; and
 - (b) the policy stated in item 6 of schedule 1A, as in force immediately before the commencement, continues to apply.

Note—

Under section 35(3)(a) of the Act, a licensee must satisfy the relevant financial requirements stated in the board’s policies. The new policy takes effect on 9 October 2015.

- (3) In this section—
- new policy*** means the Minimum Financial Requirements made by the board on 28 August 2015.

Division 7 **Transitional provisions for Queensland Building and Construction Commission and Other Legislation Amendment Regulation (No. 1) 2016**

60 **Definitions for this division**

In this division—

part 10 licence means a licence for the class mentioned in schedule 2, part 10 of the pre-amended regulation.

part 51A licence means a licence for the classes mentioned in schedule 2, part 51A.

pre-amended regulation means this regulation as in force immediately before the commencement.

61 **Part 10 licences**

- (1) This section applies to a licensee who, immediately before the commencement, held a part 10 licence.
- (2) After the commencement, the licence, including any condition, endorsement or restriction that applies to the licence, continues in force until the day the licence is stated to be due for renewal.
- (3) While the licensee holds the licence, schedule 2, and any definitions used in schedule 2, of the pre-amended regulation that applied to the licence continue to apply to the licence.
- (4) An application for the renewal of the licence is taken to be an application for the renewal of a part 51A licence subject to the same conditions, endorsements or restrictions that applied to the part 10 licence.

62 Part 10 licence applications

- (1) Subsection (2) applies to a person who, immediately before the commencement, had the qualifications required for a part 10 licence.
- (2) If the person applied for a part 10 licence before the commencement, but the application was not decided before the commencement—
 - (a) the application is taken to be an application for a part 51A licence; and
 - (b) the person is taken to have the qualifications required for a part 51A licence.
- (3) Subsection (4) applies to a person who—
 - (a) immediately before the commencement, had the qualifications required for a part 10 licence; or
 - (b) within 1 year after the commencement, obtains the qualifications required for a part 10 licence.
- (4) If the person applies for a part 51A licence within 1 year after the commencement, the person is taken to have the qualifications required for a part 51A licence.

63 Other licence applications

- (1) This section applies if—
 - (a) an application was made for a licence, other than a part 10 licence, before the commencement; and
 - (b) the application was not decided before the commencement.
- (2) The application must be decided under this regulation as in force immediately after the commencement.

Schedule 1AA Work that is not building work

section 5

1 Work for a farm building or farm fence

- (1) Work mentioned in the Act, schedule 2, definition *building work*, paragraphs (a) to (f), if the work is for a farm building.
- (2) Work mentioned in the Act, schedule 2, definition *building work*, paragraph (a), (b) or (f), if the work is for a farm fence.
- (3) In this section—

farm building means a building—

- (a) on land used wholly or primarily for agricultural or pastoral purposes; and
- (b) used, or intended to be used, for agricultural or pastoral purposes; and
- (c) that has a completed value of not more than \$27,500; and
- (d) that is not a residence.

farm fence means—

- (a) a fence—
 - (i) on land used wholly or primarily for agricultural or pastoral purposes; and
 - (ii) used, or intended to be used, for agricultural or pastoral purposes; or
- (b) a gate or grid associated with a fence mentioned in paragraph (a).

2 Work of a value of \$3,300 or less

Work of a value of \$3,300 or less, unless—

- (a) subject to section 33(2) of this schedule, the work is within the scope of work of a fire protection licence; or

- (b) the work is within the scope of work of a licence provided for in schedule 2, part 11–14, 18, 19, 33, 48 or 52; or
- (c) the work is within the scope of work of another licence provided for in schedule 2, and is carried out by a licensee as part of a contract for building work of which the total value is more than \$3,300; or
- (d) the work is within the scope of work of a licence provided for in schedule 2, part 35 and the value of the work is more than \$1,100.

3 Giving of free advice by building industry organisation

Giving of free advice by an organisation the membership of which is drawn wholly or predominantly from the building industry.

4 Work performed by an architect

Work performed by an architect in the architect's professional practice, including, for example, carrying out a completed building inspection.

5 Work performed by an engineer

Work performed by an engineer in the engineer's professional practice.

6 Work performed by a licensed surveyor

Work performed by a licensed surveyor in the surveyor's professional practice.

7 Work performed by the Commonwealth or its agencies

Work performed by the Commonwealth or an instrumentality or agency of the Commonwealth, but not work performed for the Commonwealth or an instrumentality or agency by an independent contractor.

8 Work performed by the State or its agencies

- (1) Work performed by the State or an instrumentality or agency of the State, but not work performed for the State or an instrumentality or agency by an independent contractor.
- (2) In this section—

agency of the State includes the following—

 - (a) a department;
 - (b) a government owned corporation;
 - (c) an entity established under an Act;
 - (d) a rail government entity under the *Transport Infrastructure Act 1994*.

9 Work performed by a local government

Work performed by a local government, but not work performed for a local government by an independent contractor.

10 Work performed by a charity or community organisation

- (1) Work performed by a charitable or community organisation for its own use, if the commission gives the organisation written notice the work can be excluded from the definition *building work*, given the qualifications and experience of persons who supervise the work.
- (2) However, this exclusion does not apply to residential construction work.

11 Work for a water reticulation system, sewerage system or stormwater drain

- (1) Construction, extension, repair or replacement of a water reticulation system, sewerage system or stormwater drain, other than works connecting a particular building to a main of the system or drain.
- (2) In this section—

building includes a proposed building.

12 Work for a public utility easement

(1) Construction, maintenance or repair on a public utility easement.

(2) In this section—

public utility easement see the *Land Title Act 1994*, section 81A.

13 Work on busways and tunnels

(1) Construction, maintenance or repair of a busway or a tunnel for a busway.

(2) In this section—

busway means—

- (a) a route especially designed and constructed for, and dedicated to, the priority movement of buses for passenger transport purposes; and
- (b) places for the taking on and letting off of bus passengers using the busway; and
- (c) a causeway or culvert in, on, or under a busway that is associated with the busway; and
- (d) a structure in, on, or under a busway that is associated with the busway.

14 Work on roads and tunnels

(1) Construction, maintenance or repair of a road or a tunnel for a road.

(2) In this section—

driveway means—

- (a) a surface constructed—
 - (i) on a private property; and

- (ii) for the purpose of driving or riding of motor vehicles to or from the property and a road; and
- (iii) for which the right to use the surface is restricted to persons with an interest in the property and their invitees; or
- (b) a surface constructed—
 - (i) between the boundary of a private property and that part of a road used for the driving or riding of motor vehicles; and
 - (ii) for the purpose of driving or riding of motor vehicles to or from the property and the road.

private property includes a separate, distinct parcel of land for which an interest is recorded in a register under the *Land Act 1994*.

road—

- (a) means an area of land—
 - (i) whether surveyed or unsurveyed, dedicated, notified or declared to be a road for public use; or
 - (ii) whether surveyed or unsurveyed, taken under an Act, for the purpose of a road for public use; or
 - (iii) developed, or to be developed, for the public use of driving or riding of motor vehicles; and
- (b) includes—
 - (i) a street, esplanade, highway, pathway, thoroughfare, toll road, track or stock route; and
 - (ii) a causeway or culvert in, on, or under a road that is associated with the road; and
 - (iii) a structure in, on, or under a road that is associated with the road; and
- (c) does not include a driveway.

15 Work on bikeways and footpaths

- (1) Construction, maintenance or repair of a bikeway or footpath or a tunnel for a bikeway or footpath.
- (2) In this section—

bikeway—

- (a) means a path that has as 1 of its main purposes the public use of the path for riding bicycles; but
- (b) does not include a path contained within private property.

footpath—

- (a) means a path that has as 1 of its main purposes the public use of the path by pedestrian traffic; but
- (b) does not include a path contained within private property.

16 Work on public bridges

Construction, maintenance or repair of a bridge, other than a bridge on private property.

17 Work for railway tracks

Construction, maintenance or repair of railway tracks, signals or associated structures, unless the structures are buildings for residential purposes, or are storage or service facilities.

18 Work for airport runways

Construction, maintenance or repair of airport runways, taxiways and aprons.

19 Work on harbours, wharfs and other maritime structures

Construction, maintenance or repair of harbours, wharfs and other maritime structures, unless the structures are buildings for residential purposes, or are storage or service facilities.

20 Electrical work

Electrical work under the *Electrical Safety Act 2002*.

21 Work for emergency detection and warning systems

(1) Inspection, testing, installation or general repair by a person who is a licensed electrical mechanic, of a fire detection system, alarm system or emergency warning and communication system for a building.

(2) In this section—

licensed electrical mechanic see the *Electrical Safety Act 2002*, schedule 2.

22 Work for a dam

Construction, maintenance or repair of a dam.

23 Work for communications for broadcasting

Construction, maintenance or repair of communications installations performed for a public company or other public body engaged in radio or television broadcasting or in some other form of communications business or undertaking.

24 Work for unsupported sign

Construction, maintenance or repair of a sign that does not have a supporting structure.

Example—

a sign that consists of only a flat sheet of acrylic resin, fabric, metal or wood

25 Work for a supporting structure for a sign

Construction, maintenance or repair of a supporting structure for a sign if—

(a) the value of building work for the supporting structure is less than \$5,000; or

- (b) the top of the sign or supporting structure, whichever is higher, is less than 3m above the surface immediately below the sign or structure, including, for example, the ground, or a road or path on which an individual may travel, whether in a vehicle, while walking, or in any other way.

26 Erecting scaffolding

Erection of scaffolding.

27 Installation of manufacturing equipment

Installation of manufacturing equipment or equipment for hoisting, conveying or transporting materials or products, including luggage, mail or primary produce, but excluding the installation of fixed structures providing shelter for the equipment.

28 Construction work in mining

Construction work in mining.

29 Work for curtains, blinds and internal window shutters

Hanging of curtains or installing, maintaining or repairing blinds or internal window shutters, other than fire shutters.

30 Laying carpets, floating floors or vinyl

- (1) Laying of carpets, floating floors or vinyl.
(2) In this section—

floating floor means a floor that covers a subfloor but is not fixed to the subfloor.

31 Work for monuments, fountains and other works of art

Work consisting of monumental masonry, sculpture, or the erection or construction of statues, fountains or other works of art, other than work affecting the structure of a building.

32 Earthmoving and excavating

Work consisting of earthmoving and excavating.

33 Particular work performed personally by the owner of land

- (1) Work, other than work within the scope of work of an occupational licence, performed personally by the owner of the land on which the work is performed if—
 - (a) the value of the work is not more than \$11,000; or
 - (b) under the *Building Act 1975*, chapter 2, the work is, for the Planning Act, accepted development.
- (2) Work within the scope of work of a fire protection licence performed personally by the owner of the land on which the work is performed if the value of the work is less than \$1,100.

34 Certification work by building certifier

Certification work performed by a building certifier under the *Building Act 1975* in the certifier's professional practice.

35 Particular work performed by a registered valuer

Services performed by a registered valuer under the *Valuers Registration Act 1992* in the valuer's professional practice.

36 Laying asphalt or bitumen

Laying of asphalt or bitumen.

- 37 Work done under the Work Health and Safety Regulation**
Work done under the *Work Health and Safety Regulation 2011*, part 8.3.
- 38 Work for an assessment of an insurance claim**
An inspection, investigation or report for assessment of an insurance claim.
- 39 Work performed by a locksmith**
Work of the type usually performed by a locksmith, whether performed by a locksmith or another person.
- 40 Preparing or installing insulation**
Work consisting of the preparation for, or installation of, insulation for acoustic or thermal control.
- 41 Interior design**
- (1) Preparation of plans or specifications for building work for the interior design of a building if the work does not relate to a part of the building that is load-bearing or a structural member.
 - (2) Contract administration for the interior design of a building.
- 42 Assessment of energy efficiency of buildings**
Assessment of the energy efficiency of a building.
- 43 Inspecting or testing emergency lighting systems**
Work, performed by a person who holds an electrical mechanic licence, that is inspecting or testing emergency lighting systems.

44 Work relating to fire safety performed by a professional engineer

Work, within the scope of work of a licence prescribed under schedule 2, part 30B, section 2(1), performed by an engineer who may carry out professional engineering services under the *Professional Engineers Act 2002* for alternative solutions relating to fire safety.

45 Installation of insect screens

Work consisting of installation of insect screens, other than—

- (a) screens used for security; and
- (b) screens used for a particular material or system designed for the prevention of termite infestation.

46 Line marking

Work consisting of line marking.

47 Work performed by a fire safety adviser

Work performed by a fire safety adviser under the *Building Fire Safety Regulation 2008*.

48 Pool safety inspection by pool safety inspector

- (1) Performance of a pool safety inspection function by a pool safety inspector under the *Building Act 1975*, other than a pool safety inspection function mentioned in section 231C(b) of that Act.

- (2) In this section—

pool safety inspection function see the *Building Act 1975*, section 231C.

pool safety inspector see the *Building Act 1975*, schedule 2.

49 Work for a strand wire fence

- (1) Construction, maintenance or repair of a strand wire fence with no concrete footing.
- (2) In this section—

strand wire fence means a structure serving as an enclosure, barrier or boundary made of posts, pickets or stakes joined together by strands of wire.

50 Installation of solar hot water system

- (1) Installation, repair or maintenance of a solar hot water system if—
 - (a) a person, who is the holder of an unrestricted electrical contractor licence (the *electrical contractor*), undertakes to carry out the work for a consumer; and
 - (b) the electrical contractor only carries out the part of the work that is electrical work under the *Electrical Safety Act 2002*; and
 - (c) that part of the work that is not electrical work under the *Electrical Safety Act 2002* (the *non-electrical work*) is carried out by a person who—
 - (i) holds, under the Act, a contractor's licence of the appropriate class for the non-electrical work; and
 - (ii) is engaged by the electrical contractor to carry out the non-electrical work.
- (2) However, this exclusion applies only for the purpose of section 42 of the Act.
- (3) In this section—

solar hot water system includes any part of a water heating system designed to heat water using light or heat from the sun.

51 Installation of photovoltaic solar panel

- (1) Installation, repair or maintenance of a photovoltaic solar panel if the work is carried out by a person who is the holder of an unrestricted electrical contractor licence.
- (2) However, this exclusion applies only for the purpose of section 42 of the Act.

52 Laying wet pour rubber

- (1) Laying of wet pour rubber, including the laying of a blended mix of graded rubber particles and binder to provide a continuous surface.
- (2) However, this exclusion applies only for the purpose of section 42 of the Act.

53 Work for off-site manufacture of roof trusses or wall frames

Work consisting of—

- (a) the design and off-site manufacture of a roof truss or wall frame; or
- (b) the preparation of—
 - (i) plans or specifications for the off-site manufacture of a roof truss or wall frame; or
 - (ii) plans, specifications or instructions for the installation of a roof truss or wall frame that is manufactured off-site.

Schedule 1 Fees

sections 17(1)(b)(iv), 27 and 35

\$

1	Licence application fee—	
	(a) individual—	
	(i) contractor's licence—	
	(A) for an individual applying for a trade contractor's licence or design licence to which category SC1 applies	365.85
	(B) for an individual applying for a trade contractor's licence or design licence to which category SC2 applies	418.10
	(C) for an individual applying for a builder contractor's licence to which category SC2 applies	418.10
	(D) for an individual applying for a licence to which category 1 or 2 applies	565.90
	(E) for an individual applying for a licence to which a category from 3 to 7 applies	785.55
	(ii) nominee supervisor's licence or site supervisor's licence	209.05
	(iii) fire protection occupational licence	119.00
	(b) company—	
	(i) for a company applying for a trade contractor's licence or design licence to which category SC1 applies	610.95
	(ii) for a company applying for a trade contractor's licence or design licence to which category SC2 applies	697.45

Schedule 1

	\$
(iii) for a company applying for a builder contractor's licence to which category SC2 applies	697.45
(iv) for a company applying for a licence to which category 1 or 2 applies	958.90
(v) for a company applying for a licence to which a category from 3 to 7 applies	1,308.45
2 Licence fee—	
(a) individual—	
(i) contractor's licence, for 1 year—	
(A) for an individual who holds a trade contractor's licence or design licence to which category SC1 applies	279.35
(B) for an individual who holds a trade contractor's licence or design licence to which category SC2 applies	349.50
(C) for an individual who holds a builder contractor's licence to which category SC2 applies	349.50
(D) for an individual who holds a licence to which category 1 or 2 applies	418.10
(E) for an individual who holds a licence to which a category from 3 to 7 applies	629.00
(ii) contractor's licence, for 3 years—	
(A) for an individual who holds a trade contractor's licence or design licence to which category SC1 applies	712.45
(B) for an individual who holds a trade contractor's licence or design licence to which category SC2 applies	891.30

	\$
(C) for an individual who holds a builder contractor's licence to which category SC2 applies	891.30
(D) for an individual who holds a licence to which category 1 or 2 applies	1,066.15
(E) for an individual who holds a licence to which a category from 3 to 7 applies	1,604.00
(iii) nominee supervisor's licence—	
(A) for 1 year	209.05
(B) for 3 years	533.00
(iv) site supervisor's licence—	
(A) for 1 year	209.05
(B) for 3 years	533.00
(v) fire protection occupational licence—	
(A) for 1 year	119.00
(B) for 3 years	303.40
(b) company—	
(i) for 1 year—	
(A) for a company that holds a trade contractor's licence or design licence to which category SC1 applies	558.65
(B) for a company that holds a trade contractor's licence or design licence to which category SC2 applies	697.45
(C) for a company that holds a builder contractor's licence to which category SC2 applies	697.45
(D) for a company that holds a licence to which category 1 or 2 applies	837.95

Schedule 1

	\$
(E) for a company that holds a licence to which a category from 3 to 7 applies	1,256.05
(ii) for 3 years—	
(A) for a company that holds a trade contractor's licence or design licence to which category SC1 applies	1,424.45
(B) for a company that holds a trade contractor's licence or design licence to which category SC2 applies	1,778.55
(C) for a company that holds a builder contractor's licence to which category SC2 applies	1,778.55
(D) for a company that holds a licence to which category 1 or 2 applies	2,136.65
(E) for a company that holds a licence to which a category from 3 to 7 applies	3,202.95
3 Application for owner-builder permit (Act, s 44(2)(d))	411.55
4 Issue of—	
(a) new licence card (Act, s 34(4))	8.30
(b) new licence certificate (Act, s 34(4))	29.35
5 Inspection of a register at the commission's offices (Act, s 103D)	40.85
6 Request for insurance information statement	45.75
7 Restoration of licence (Act, s 39(3)(b))	119.00

Schedule 1A Board's policies approved under section 19 of the Act

section 34A

- 1 Important Notice to Contractor Repealing Policy made by the board on 16 September 2004

Note—

The policy being repealed was a general policy in force under the Act before the commencement, on 5 May 2003, of the *Queensland Building Services Authority and Other Legislation Amendment Act 2003*, section 6. See section 26 of schedule 1 of the Act.

- 2 Rectification of Building Work made by the board on 16 May 2014
- 3 Minimum Financial Requirements made by the board on 28 August 2015

Schedule 2 Classes of licences and licence requirements

sections 14, 14A, 14B, 15, 16 and 16A

Part 1 Air handling duct installation licence

1 Licence class

Air handling duct installation.

2 Scope of work

- (1) Install ductwork and enclosures for airconditioning, air handling and mechanical ventilation systems.
- (2) Incidental work of another class.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 2 Brick and segmental paving licence

1 Licence class

Brick and segmental paving.

2 Scope of work

- (1) Lay segmental or unit paving, including surface preparation.
- (2) Concrete work for brick and segmental paving.
- (3) Incidental work of another class.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 3 Bricklaying and blocklaying licence

1 Licence class

Bricklaying and blocklaying.

2 Scope of work

- (1) Brick or block construction, including surface preparation.

Schedule 2

- (2) Build straight masonry steps and stairs with or without landings.
- (3) Lay segmental or unit paving.
- (4) Lay glass blocks.
- (5) Construct battered masonry surfaces.
- (6) Install prefabricated window or door frames.
- (7) Concreting to simple forms, including installation of formwork, reinforcement and concrete.
- (8) Incidental work of another class.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 4 Builder—low rise licence

1 Licence class

Builder—low rise.

2 Scope of work

- (1) Building work on a class 1 or class 10 building.
- (2) Building work on classes 2 to 9 buildings with a gross floor area not exceeding 2,000m², but not including Type A or Type B construction.

-
- (2A) Building work that consists of non-structural work on a building, regardless of—
- (a) the class for the building; or
 - (b) the gross floor area of the building.
- (3) Prepare plans and specifications if the plans and specifications are—
- (a) for the licensee's personal use; or
 - (b) for use in building work to be performed by the licensee personally.
- (4) However, the scope of work does not include—
- (a) a completed building inspection for an interested party; or
 - (b) personally carrying out any building work for which—
 - (i) a fire protection licence is required; or
 - (ii) an occupational licence is required unless the licensee holds the occupational licence; or
 - (c) for building work mentioned in subsection (2A)—directly or indirectly causing the work to be carried out or providing building work services for the work if—
 - (i) a fire protection licence is required for the work; and
 - (ii) the work is—
 - (A) for Type A or Type B construction on classes 2 to 9 buildings; or
 - (B) on classes 2 to 9 buildings with a gross floor area exceeding 2,000m².
- (5) In this section—
- interested party***, for a building, means a party or prospective party to a contract of sale for the building.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

3A Technical qualifications for site supervisor's licence

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Experience requirements

The experience requirements are the following—

- (a) for a person who has a technical qualification required under schedule 2, part 3 or 16—2 years experience in—
 - (i) the scope of work for the class; or
 - (ii) other work the commission is satisfied is at least equivalent to experience in the scope of work for the class;
- (b) otherwise—4 years experience in—
 - (i) the scope of work for the class; or
 - (ii) other work the commission is satisfied is at least equivalent to experience in the scope of work for the class.

5 Financial requirements

The relevant financial requirements in the board's policies.

Part 5 Builder—medium rise licence

1 Licence class

Builder—medium rise.

2 Scope of work

- (1) Building work on a class 1 or class 10 building.
- (2) Building work to a maximum of 3 storeys, but not including Type A construction on classes 4 to 9 buildings.
- (2A) Building work that consists of non-structural work on a building, regardless of—
 - (a) the class for the building; or
 - (b) the gross floor area of the building.
- (3) Prepare plans and specifications if the plans and specifications are—
 - (a) for the licensee's personal use; or
 - (b) for use in building work to be performed by the licensee personally.
- (4) However, the scope of work does not include—
 - (a) a completed building inspection for an interested party; or
 - (b) personally carrying out any building work for which—
 - (i) a fire protection licence is required; or
 - (ii) an occupational licence is required unless the licensee holds the occupational licence; or
 - (c) for building work mentioned in subsection (2A)—directly or indirectly causing the work to be carried out or providing building work services for the work if—
 - (i) a fire protection licence is required for the work; and
 - (ii) the work is—
 - (A) for Type A construction on classes 4 to 9 buildings; or
 - (B) to more than 3 storeys.
- (5) In this section—

interested party, for a building, means a party or prospective party to a contract of sale for the building.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

3A Technical qualifications for site supervisor's licence

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Experience requirements

The experience requirements are the following—

- (a) for a person who has a technical qualification required under schedule 2, part 3 or 16—2 years experience in—
 - (i) the scope of work for the class; or
 - (ii) other work the commission is satisfied is at least equivalent to experience in the scope of work for the class;
- (b) otherwise—4 years experience in—
 - (i) the scope of work for the class; or
 - (ii) other work the commission is satisfied is at least equivalent to experience in the scope of work for the class.

5 Financial requirements

The relevant financial requirements in the board's policies.

Part 6 Builder—open licence

1 Licence classes

- (1) Builder—open.
- (2) Builder—project management services.

2 Scope of work

- (1) For the licence class mentioned in section 1(1)—
 - (a) building work on all classes of buildings; and
 - (b) prepare plans and specifications if the plans and specifications are—
 - (i) for the licensee's personal use; or
 - (ii) for use in building work to be performed by the licensee personally.
- (2) However, the scope of work does not include—
 - (a) a completed building inspection for an interested party; or
 - (b) personally carrying out any building work for which—
 - (i) a fire protection licence is required; or
 - (ii) an occupational licence is required unless the licensee holds the occupational licence.
- (3) For the licence class mentioned in section 1(2)—
 - (a) provide any of the following for a consumer or a principal, for all classes of building work—
 - (i) administration services;
 - (ii) advisory services;
 - (iii) management services, other than coordinating the scheduling of building work by building contractors including as agent for another person; and
 - (b) perform the following functions of a superintendent under a building contract, if appointed as a superintendent under the contract—
 - (i) administer the contract on behalf of a principal for the contract;
 - (ii) certify timing, quality and cost matters under the contract.

Schedule 2

(4) However, the scope of work does not include performing building work services under a construction management contract.

(5) In this section—

interested party, for a building, means a party or prospective party to a contract of sale for the building.

superintendent, under a building contract, means a person who is not a party to the contract and is appointed under the contract to perform the following—

- (a) administer the contract on behalf of a principal for the contract;
- (b) certify timing, quality and cost matters under the contract.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Technical qualifications for site supervisor's licence

The technical qualifications stated in the technical qualifications document for the licence class applied for.

5 Experience requirements

(1) For the licence class mentioned in section 1(1), the experience requirements are the following—

- (a) for a person who has a technical qualification required under schedule 2, part 3 or 16—2 years experience in—
 - (i) the scope of work for the class; or
 - (ii) other work the commission is satisfied is at least equivalent to experience in the scope of work for the class;
- (b) otherwise—4 years experience in—

- (i) the scope of work for the class; or
 - (ii) other work the commission is satisfied is at least equivalent to experience in the scope of work for the class.
- (2) For the licence class mentioned in section 1(2), the experience requirements are 4 years experience in—
- (a) the scope of work for the class; or
 - (b) other work the commission is satisfied is at least equivalent to experience in the scope of work for the class.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 7 Builder restricted to kitchen, bathroom and laundry installation licence

1 Licence class

Builder restricted to kitchen, bathroom and laundry installation.

2 Scope of work

- (1) Install, refurbish, restore and repair a kitchen, bathroom or laundry on-site in—
- (a) a class 1 or class 10 building; or
 - (b) classes 2 to 9 buildings if the gross floor area of the kitchen, bathroom or laundry is not more than 50m².
- (2) Prepare plans and specifications if the plans and specifications are—
- (a) for the licensee's personal use; or

- (b) for use in building work to be performed by the licensee personally.
- (3) However, the scope of work does not include—
 - (a) building work which may affect the structural performance of the building; or
 - (b) personally carrying out any building work for which—
 - (i) a fire protection licence is required; or
 - (ii) an occupational licence is required unless the licensee holds the occupational licence.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

3A Technical qualifications for site supervisor's licence

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Experience requirements

The experience requirements are the following—

- (a) for a person who has a technical qualification required under schedule 2, part 3, 15, 16, 18, 31, 34, 36, 37, 40, 41 to 43, 47, 51, 54 or 55—2 years experience in—
 - (i) the scope of work for the class; or
 - (ii) other work the commission is satisfied is at least equivalent to experience in the scope of work for the class;
- (b) otherwise—4 years experience in—
 - (i) the scope of work for the class; or
 - (ii) other work the commission is satisfied is at least equivalent to experience in the scope of work for the class.

5 Financial requirements

The relevant financial requirements in the board's policies.

Part 8 Builder restricted to shopfitting licence**1 Licence class**

Builder restricted to shopfitting.

2 Scope of work

- (1) Building work associated with the internal fitout of a shop or office, including shopfronts but not including Type A or Type B construction.
- (2) Prepare plans and specifications if the plans and specifications are—
 - (a) for the licensee's personal use; or
 - (b) for use in building work to be performed by the licensee personally.
- (3) However, the scope of work does not include personally carrying out any building work for which—
 - (a) a fire protection licence is required; or
 - (b) an occupational licence is required unless the licensee holds the occupational licence.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

3A Technical qualifications for site supervisor's licence

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Experience requirements

The experience requirements are the following—

- (a) for a person who has a technical qualification required under schedule 2, part 3, 15, 16, 18, 31, 34, 36, 37, 40, 41 to 43, 47, 51, 54 or 55—2 years experience in—
 - (i) the scope of work for the class; or
 - (ii) other work the commission is satisfied is at least equivalent to experience in the scope of work for the class;
- (b) otherwise—4 years experience in—
 - (i) the scope of work for the class; or
 - (ii) other work the commission is satisfied is at least equivalent to experience in the scope of work for the class.

5 Financial requirements

The relevant financial requirements in the board's policies.

Part 8A Builder restricted to special structures licence

1 Licence classes

- (1) Builder restricted to special structures (shade sails).
- (2) Builder restricted to special structures (signs).

2 Scope of work

- (1) For the licence class mentioned in section 1(1)—
 - (a) construction, installation, maintenance or repair of membrane shade structures, including metal brackets, cables and structural members for the structures; and
 - (b) concreting work for footings for the structures; and

-
- (c) prepare plans and specifications for membrane shade structures if the plans and specifications are—
 - (i) for the licensee’s personal use; or
 - (ii) for use in building work to be performed by the licensee personally.
 - (2) For the licence class mentioned in section 1(2)—
 - (a) construction, installation, maintenance or repair of signs and supporting structures for signs; and
 - (b) concreting work for footings for supporting structures for signs; and
 - (c) prepare plans and specifications for signs and supporting structures for signs if the plans and specifications are—
 - (i) for the licensee’s personal use; or
 - (ii) for use in building work to be performed by the licensee personally.
 - (3) For both licence classes mentioned in section 1, incidental work of another class.
 - (4) However, the scope of work for the licence classes does not include personally carrying out any building work for which—
 - (a) a fire protection licence is required; or
 - (b) an occupational licence is required unless the licensee holds the occupational licence.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

3A Technical qualifications for site supervisor’s licence

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Experience requirements

The experience requirements are the following—

- (a) for a person who has a technical qualification required under schedule 2, part 3, 15, 16, 18, 31, 34, 36, 37, 40 to 43, 47, 51, 54 or 55—2 years experience in—
 - (i) the scope of work for the class; or
 - (ii) other work the commission is satisfied is at least equivalent to experience in the scope of work for the class;
- (b) otherwise—4 years experience in—
 - (i) the scope of work for the class; or
 - (ii) other work the commission is satisfied is at least equivalent to experience in the scope of work for the class.

5 Financial requirements

The relevant financial requirements in the board's policies.

Part 9 Builder restricted to structural landscaping licence

1 Licence class

Builder restricted to structural landscaping.

2 Scope of work

- (1) Prepare, fabricate and erect carports, decking, fences, gates, gazebos, ornamental structures, pergolas, ponds and water features, prefabricated sheds, including associated concrete slabs, with a maximum floor area of 10m², and retaining walls and structures.
- (2) Construct artificial landform structures requiring a fabricated internal structure.

- (3) Prepare site, excavate, lay paving or concrete associated with landscaping.
- (4) Install irrigation for landscaping works.
- (5) Install, erect and construct playground equipment.
- (6) Prepare plans and specifications if the plans and specifications are—
 - (a) for the licensee's personal use; or
 - (b) for use in building work to be performed by the licensee personally.
- (7) However, the scope of work does not include personally carrying out any building work for which—
 - (a) a fire protection licence is required; or
 - (b) an occupational licence is required unless the licensee holds the occupational licence.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

3A Technical qualifications for site supervisor's licence

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Experience requirements

The experience requirements are the following—

- (a) for a person who has a technical qualification required under schedule 2, part 3, 15, 16, 18, 31, 34, 36, 37, 40, 41 to 43, 47, 51, 54 or 55—2 years experience in—
 - (i) the scope of work for the class; or
 - (ii) other work the commission is satisfied is at least equivalent to experience in the scope of work for the class;

- (b) otherwise—4 years experience in—
 - (i) the scope of work for the class; or
 - (ii) other work the commission is satisfied is at least equivalent to experience in the scope of work for the class.

5 Financial requirements

The relevant financial requirements in the board's policies.

Part 11 Building design—low rise licence

1 Licence class

Building design—low rise.

2 Scope of work

- (1) Prepare plans and specifications for class 1 and class 10 buildings.
- (2) Prepare plans and specifications for classes 2 to 9 buildings not exceeding 2,000m² gross floor area, but not including Type A and Type B construction.
- (3) Contract administration in relation to building work designed by the licensee.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Experience requirements

Two years experience, which includes experience gained during an apprenticeship or other training, in—

-
- (a) the scope of work for the class; or
 - (b) other work, if the commission considers experience in the other work is at least equivalent to experience in the scope of work for the class.

5 Financial requirements

The relevant financial requirements in the board's policies.

Part 12 Building design—medium rise licence

1 Licence class

Building design—medium rise.

2 Scope of work

- (1) Prepare plans and specifications for buildings to a maximum of 3 storeys above a storey used for the parking of vehicles, but not including Type A construction other than class 2, 3 or 9 buildings.
- (2) Contract administration in relation to building work designed by the licensee.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Experience requirements

Two years experience, which includes experience gained during an apprenticeship or other training, in—

- (a) the scope of work for the class; or

- (b) other work, if the commission considers experience in the other work is at least equivalent to experience in the scope of work for the class.

5 Financial requirements

The relevant financial requirements in the board's policies.

Part 13 Building design—open licence

1 Licence class

Building design—open.

2 Scope of work

- (1) Prepare plans and specifications for buildings of any height or floor area.
- (2) Contract administration in relation to building work designed by the licensee.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Experience requirements

Two years experience, which includes experience gained during an apprenticeship or other training, in—

- (a) the scope of work for the class; or
- (b) other work, if the commission considers experience in the other work is at least equivalent to experience in the scope of work for the class.

5 Financial requirements

The relevant financial requirements in the board's policies.

Part 14 Completed residential building inspection licence

1 Licence class

Completed residential building inspection.

2 Scope of work

A completed building inspection, including an inspection and preparation of a report in accordance with Australian Standard 4349.1 'Inspection of Buildings-Property Inspections-Residential Buildings'.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Experience requirements

Five years experience—

- (a) in the scope of work for 1 of the following licence classes—
 - (i) builder—low rise;
 - (ii) builder—medium rise;
 - (iii) builder—open; or
- (b) as a building surveyor, assistant building surveyor or building surveyor technician.

5 Financial requirements

The relevant financial requirements in the board's policies.

Part 15 Cabinetmaking licence

1 Licence class

Cabinetmaking.

2 Scope of work

- (1) Install, refurbish, restore or repair kitchen, bathroom, laundry and other fitted cabinets and fitments on-site.
- (2) Incidental work of another class.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 16 Carpentry licence

1 Licence class

Carpentry.

2 Scope of work

- (1) Construct and erect timber and steel wall framing and roof structures.
- (2) Construct and erect non-load bearing internal partition walls.
- (3) Install windows and doors including framing.
- (4) Erect ceiling and subfloor framing.
- (5) Install timber and sheet flooring.
- (6) Install exterior cladding, fascias and soffits.
- (7) Install metal roofing.
- (8) Construct timber stairs.
- (9) Fix internal linings, panelling and mouldings.
- (10) Install door and window locks and furniture.
- (11) Restore and renovate doors, windows and frames.
- (12) Install fitments.
- (13) Concreting to simple forms, including install formwork, reinforcement and concrete.
- (14) Erect and strip formwork, including slip form and jump form formwork.
- (15) Incidental work of another class.
- (16) In this section—
door includes a fire door or a fire shutter.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 17 Concreting licence

1 Licence class

Concreting.

2 Scope of work

- (1) Concreting including install formwork, reinforcement and concrete.
- (2) Incidental work of another class.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 18 Plumbing and drainage licence

1 Licence class

Plumbing and drainage.

2 Scope of work

- (1) Installing, commissioning, maintaining and testing plumbing and drainage services in all classes of buildings and premises, including, but not limited to, the following—
 - (a) compressed air, heating, steam, vacuum or ventilation systems;
 - (b) irrigation;
 - (c) metal fascias and gutters;
 - (d) on-site domestic waste water management systems;
 - (e) roof and wall cladding;
 - (f) skylights;
 - (g) fire hydrants, with or without pumps;
 - (h) fire hose reels, with or without pumps.
- (2) Prepare plans and specifications for plumbing and drainage work if the plans and specifications are—
 - (a) for the licensee's personal use; or
 - (b) for use in plumbing and drainage work to be performed by the licensee personally.
- (3) Incidental work of another class.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

5 Financial requirements

The relevant financial requirements in the board's policies.

Part 19 Drainage licence

1 Licence class

Drainage.

2 Scope of work

- (1) Installing, commissioning, maintaining and testing above and below ground waste water, stormwater and sanitary drainage systems, including on-site domestic waste water management systems.
- (2) Prepare plans and specifications for drainage work if the plans and specifications are—
 - (a) for the licensee's personal use; or
 - (b) for use in drainage work to be performed by the licensee personally.
- (3) Incidental work of another class.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

5 Financial requirements

The relevant financial requirements in the board's policies.

Part 19A Drainage—on-site sewerage facility licence

1 Licence class

- (1) Maintenance.
- (2) Maintenance and installation.

2 Scope of work

- (1) For the licence class mentioned in section 1(1), building work that is within the scope of work mentioned in the *Plumbing and Drainage Regulation 2003*, schedule 2, item 8, column 4, paragraph (a) for a drainer—on-site sewerage facility licence.
- (2) For the licence class mentioned in section 1(2), building work that is within the scope of work mentioned in the *Plumbing and Drainage Regulation 2003*, schedule 2, item 8, column 4, paragraph (b) for a drainer—on-site sewerage facility licence.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

5 Financial requirements

The relevant financial requirements in the board's policies.

6 Definition for pt 19A

In this part—

drainer—on-site sewerage facility licence means the restricted licence of that name issued by the Plumbing Industry Council under the *Plumbing and Drainage Act 2002*.

Part 20 Irrigation licence

1 Licence class

Irrigation.

2 Scope of work

- (1) Assess, select and install irrigation equipment for various landscaping situations, including, for example, overhead, mini-sprinkle, dripper and pop-up sprinklers, irrigation systems, filters, timers, injectors, pressure pumps and pipe installations.
- (2) Installing and commissioning solar heating systems for swimming pools.
- (3) Incidental work of another class.
- (4) However, the scope of work does not include personally carrying out any building work for which an occupational licence is required, unless the licensee holds an occupational licence.

Example—

The installation, testing or commissioning of a non-return valve to a potable water supply can not be carried out unless the licensee holds an occupational licence authorising the holder of the licence to carry out the work.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

5 Financial requirements

The relevant financial requirements in the board's policies.

Part 21 Passive fire protection—fire doors and shutters licences**1 Licence classes**

- (1) Certify.
- (2) Inspect and test.

2 Scope of work

- (1) For the licence class mentioned in section 1(1)—
 - (a) certify, inspect and test fire doors and shutters; and
 - (b) if the licensee held a licence in the class of 'fire equipment—passive (fire doors and fire shutters)' on 31 December 2008—install and maintain fire doors and shutters.
- (2) For the licence class mentioned in section 1(2)—
 - (a) inspect fire doors and shutters; and
 - (b) test fire doors and shutters; and
 - (c) if the licensee held a licence in the class of 'fire equipment—passive (fire doors and fire shutters) restricted to carrying out certain work' on 31 December 2008—install and maintain fire doors and shutters.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

5 Experience requirements

Two years experience, which includes experience gained during an apprenticeship or other training—

- (a) in the scope of work for the class; or
- (b) other work, if the commission considers experience in the other work is at least equivalent to experience to the scope of work for the class.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 22 Passive fire protection—fire collars, penetrations and joint sealing licence

1 Licence class

Certify, install and maintain.

2 Scope of work

Certify, install and maintain, inspect and test—fire collars, fire rated penetrations and fire rated joint sealing.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

5 Experience requirements

Two years experience, which includes experience gained during an apprenticeship and other training in—

- (a) the scope of work for the class; or
- (b) other work, if the commission considers experience in the other work is at least equivalent to experience in the scope of work for the class.

6 Financial requirements

The relevant financial requirements in the board's policies.

**Part 23 Passive fire protection—fire
and smoke walls and ceilings
licence**

1 Licence class

Certify.

2 Scope of work

Certify, inspect and test fire walls, smoke walls, or fire rated ceiling systems requiring a fire resistant level under the Building Code of Australia.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

5 Experience requirements

Two years experience, which includes experience gained during an apprenticeship and other training in—

- (a) the scope of work for the class; or
- (b) other work, if the commission considers experience in the other work is at least equivalent to experience in the scope of work for the class.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 24 Special hazard suppression systems licences

1 Licence classes

- (1) Certify—restricted to gaseous, water mist and reticulated foam proportioning systems.
- (2) Certify—restricted to chemical and foam special hazard systems.
- (3) Install and maintain.
- (4) Maintain—restricted to gaseous, water mist and reticulated foam proportioning systems.

2 Scope of work

- (1) For a licence class mentioned in section 1(1), certify, inspect and test gaseous, water mist and reticulated foam proportioning systems.

- (2) For a licence class mentioned in section 1(2), certify, inspect and test chemical and foam stored pressure systems.
- (3) For a licence class mentioned in section 1(3), install and maintain gaseous, water mist and reticulated foam proportioning systems and chemical and foam stored pressure systems.
- (4) For a licence class mentioned in section 1(4), maintain gaseous, water mist and reticulated foam proportioning systems.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

5 Experience requirements

Two years experience, which includes experience gained during an apprenticeship and other training in—

- (a) the scope of work for the class; or
- (b) other work, if the commission considers experience in the other work is at least equivalent to experience in the scope of work for the class.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 25 **Sprinkler and suppression systems (reticulated water based) licences**

1 **Licence classes**

- (1) Certify.
- (2) Certify—restricted to commercial or industrial type.
- (3) Certify—restricted to domestic or residential types.
- (4) Install and maintain.
- (5) Install and maintain—restricted to commercial or industrial type.
- (6) Install and maintain—restricted to domestic or residential type.
- (7) Inspect and test.

2 **Scope of work**

- (1) For a licence class mentioned in section 1(1), certify, inspect and test—
 - (a) reticulated water based fire suppression systems or fire sprinkler systems, which are of a commercial or industrial type designed in accordance with AS 2118.1; and
 - (b) reticulated water based fire suppression systems or fire sprinkler systems, which are of a domestic type designed in accordance with AS 2118.5 or of a residential type designed in accordance with AS 2118.4, to a maximum height of 4 storeys.
- (2) For a licence class mentioned in section 1(2), certify, inspect and test reticulated water based fire suppression systems or fire sprinklers, which are of a commercial or industrial type designed in accordance with AS 2118.1.
- (3) For a licence class mentioned in section 1(3), certify, inspect and test reticulated water based fire suppression systems or

fire sprinklers, which are of a domestic type designed in accordance with AS 2118.5 or of a residential type designed in accordance with AS 2118.4, to a maximum height of 4 storeys.

- (4) For a licence class mentioned in section 1(4), install and maintain—
 - (a) reticulated water based fire suppression systems or fire sprinkler systems, which are of a commercial or industrial type designed in accordance with AS 2118.1; and
 - (b) reticulated water based fire suppression systems or fire sprinkler systems, which are of a domestic type designed in accordance with AS 2118.5 or of a residential type designed in accordance with AS 2118.4, to a maximum height of 4 storeys.
- (5) For a licence class mentioned in section 1(5), install and maintain reticulated water based fire suppression systems or fire sprinkler systems which are of a commercial or industrial type designed in accordance with AS 2118.1.
- (6) For a licence class mentioned in section 1(6), install and maintain reticulated water based fire suppression systems or fire sprinkler systems which are of a domestic type designed in accordance with AS 2118.5 or of a residential type designed in accordance with AS 2118.4, to a maximum height of 4 storeys.
- (7) For a licence class mentioned in section 1(7), inspect and test—
 - (a) reticulated water based fire suppression systems or fire sprinkler systems which are of a commercial or industrial type designed in accordance with AS 2118.1; and
 - (b) reticulated water based fire suppression systems or fire sprinkler systems which are of a domestic type designed in accordance with AS 2118.5 or of a residential type designed in accordance with AS 2118.4, to a maximum height of 4 storeys.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

5 Experience requirements

Two years experience, which includes experience gained during an apprenticeship and other training in—

- (a) the scope of work for the class; or
- (b) other work, if the commission considers experience in the other work is at least equivalent to experience in the scope of work for the class.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 26 Fire pump licences

1 Licence classes

- (1) Certify.
- (2) Install and maintain.
- (3) Inspect and test.

2 Scope of work

- (1) For a licence class mentioned in section 1(1), certify, inspect and test fire pumps.
- (2) For a licence class mentioned in section 1(2), install and maintain fire pumps.

- (3) For a licence class mentioned in section 1(3), inspect and test fire pumps.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

5 Experience requirements

Two years experience, which includes experience gained during an apprenticeship and other training in—

- (a) the scope of work for the class; or
- (b) other work, if the commission considers experience in the other work is at least equivalent to experience in the scope of work for the class.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 27 Fire hydrants and hose reels licences

1 Licence classes

- (1) Certify.
- (2) Install and maintain.
- (3) Inspect and test.

2 Scope of work

- (1) For a licence class mentioned in section 1(1), certify, inspect and test fire hydrants and hose reels.
- (2) For a licence class mentioned in section 1(2), install and maintain fire hydrants and hose reels.
- (3) For a licence class mentioned in section 1(3), inspect and test fire hydrants and hose reels.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

5 Experience requirements

Two years experience, which includes experience gained during an apprenticeship and other training in—

- (a) the scope of work for the class; or
- (b) other work, if the commission considers experience in the other work is at least equivalent to experience in the scope of work for the class.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 28

Portable fire equipment and hose reels (hose reels down stream of stop cock only) licences

1 Licence classes

- (1) Certify.
- (2) Install and maintain.

2 Scope of work

- (1) For a licence class mentioned in section 1(1), certify, inspect and test portable fire equipment and hose reels (hose reels down stream of stop cock only), including non-pumped presence of water tests.
- (2) For a licence class mentioned in section 1(2), install and maintain portable fire equipment and hose reels (hose reels down stream of stop cock only), including non-pumped presence of water tests.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

5 Experience requirements

Two years experience, which includes experience gained during an apprenticeship and the training in—

- (a) the scope of work for the class; or

- (b) other work, if the commission considers experience in the other work is at least equivalent to experience in the scope of work for the class.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 29 Fire detection, alarm and warning systems licences

1 Licence classes

- (1) Certify.
- (2) Install and maintain—extra low voltage.
- (3) Maintain—extra low voltage.

2 Scope of work

- (1) For a licence class mentioned in section 1(1), certify, inspect and test fire detection, alarm and warning systems, including inputs to, and outputs and controls from, fire alarm systems, fire ventilation controls, and suppression system monitoring and controls.
- (2) For a licence class mentioned in section 1(2), install and maintain fire detection, alarm and warning systems, including inputs to, and outputs and controls from, fire alarm systems, fire ventilation controls, and suppression system monitoring and controls but limited to systems and controls with extra low voltage.
- (3) For a licence class mentioned in section 1(3), maintain fire detection, alarm and warning systems, including inputs to, and outputs and controls from fire, alarm systems, fire ventilation controls, and suppression system monitoring and controls but limited to systems and controls with extra low voltage.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

5 Experience requirements

Two years experience, which includes experience gained during an apprenticeship and other training in—

- (a) the scope of work for the class; or
- (b) other work, if the commission considers experience in the other work is at least equivalent to experience in the scope of work for the class.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 30 Emergency lighting licences**1 Licence classes**

- (1) Certify.
- (2) Inspect and test.

2 Scope of work

- (1) For a licence class mentioned in section 1(1), certify, inspect and test emergency lighting systems to provide a level of illumination for safe evacuation in a fire emergency, provide identification of exits and paths of travel to an exit, and to safeguard occupants by making them aware of the fire emergency.

- (2) For a licence class mentioned in section 1(2), inspect and test emergency lighting systems to provide a level of illumination for safe evacuation in a fire emergency, provide identification of exits and paths of travel to an exit, and to safeguard occupants by making them aware of the fire emergency.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

5 Experience requirements

Two years experience, which includes experience gained during an apprenticeship and other training in—

- (a) the scope of work for the class; or
- (b) other work, if the commission considers experience in the other work is at least equivalent to experience in the scope of work for the class.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 30A Emergency procedures licence

1 Licence class

Emergency procedures.

2 Scope of work

Develop and approve emergency evacuation procedures for the controlled evacuation of buildings, structures and workplaces during a fire emergency.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

5 Experience requirements

Two years experience, which includes experience gained during an apprenticeship and other training in—

- (a) the scope of work for the class; or
- (b) other work, if the commission considers experience in the other work is at least equivalent to experience in the scope of the work for the class.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 30B Fire safety professional licence**1 Licence class**

Fire safety professional.

2 Scope of work

- (1) The formulation and provision of alternative solutions relating to fire safety.

Schedule 2

- (2) The inspection of, or reporting on, buildings (including existing, temporary or special structures) against fire performance legislation, such as the Building Code of Australia and the *Building Act 1975*.
- (3) Certify, inspect and test a fire protection system.
- (4) However the scope of work does not include professional engineering services under the *Professional Engineers Act 2002*.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Experience requirements

Two years experience, which includes experience gained during an apprenticeship and other training in—

- (a) the scope of work for the class; or
- (b) other work, if the commission considers experience in the other work is at least equivalent to experience in the scope of the work for the class.

5 Financial requirements

The relevant financial requirements in the board's policies.

Part 31 Floor finishing and covering (hard sector) licence

1 Licence class

Floor finishing and covering (hard sector).

2 Scope of work

- (1) Prepare, sand, and apply coatings to, timber floors.
- (2) Install and repair cork flooring including prepare, sand, and apply coating systems.
- (3) Install and repair mosaic and block parquetry flooring including prepare, sand, and apply coating systems.
- (4) Install pre-finished manufactured and engineered timber flooring.
- (5) Install and repair non-structural strip timber flooring including prepare, sand, and apply coating systems.
- (6) Prepare, apply and finish epoxy and seamless floor coverings.
- (7) Incidental work of another class.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 32 Foundation work (piling and anchors) licence

1 Licence class

Foundation work—piling and anchors.

2 Scope of work

- (1) Excavate and install support.
- (2) Construct underpinning.
- (3) Concreting for foundation work, including install formwork, reinforcement and concrete.
- (4) Install piling including driven piles, cast-in piles, groutcrete piles, compressed piles, bored cast-in-place piles and screw piles.
- (5) Dewater site including sump and permanent dewatering systems.
- (6) Incidental work of another class.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 33 Gasfitting licence

1 Licence class

Gasfitting.

2 Scope of work

- (1) Installing, commissioning, maintaining, testing, altering, repairing and servicing a gas system in any building.

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- (2) Incidental work of another class.
- (3) However, the scope of work does not include—
- (a) for a gasfitter who possesses only a gas work authorisation—
 - (i) gas work that can be carried out only by a gasfitter who possesses a gas work licence; and
 - (ii) gas work the gasfitter must not carry out under a condition or limitation imposed under the *Petroleum and Gas (Production and Safety) Act 2004* on the gas work authorisation; and
 - (b) for a gasfitter who possesses only a gas work licence—
 - (i) gas work that can be carried out only by a gasfitter who possesses a gas work authorisation; and
 - (ii) gas work the gasfitter must not carry out under a condition or limitation imposed under the *Petroleum and Gas (Production and Safety) Act 2004* on the gas work licence.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

5 Financial requirements

The relevant financial requirements in the board's policies.

6 Definitions for pt 33

In this part—

gas system see the *Petroleum and Gas (Production and Safety) Act 2004*, schedule 2.

gas work see the *Petroleum and Gas (Production and Safety) Act 2004*, section 725.

gas work authorisation means a gas work authorisation under the *Petroleum and Gas (Production and Safety) Act 2004*.

gas work licence means a gas work licence under the *Petroleum and Gas (Production and Safety) Act 2004*.

Part 34 Glass, glazing and aluminium licence

1 Licence class

Glass, glazing and aluminium.

2 Scope of work

- (1) Glaze and reglaze buildings.
- (2) Fabricate and install windows and doors in buildings.
- (3) Fabricate and install shower screens and metal framed sliding wardrobe doors whether mirrored or otherwise.
- (4) Fabricate and install security screens and doors.
- (5) Fabricate, install and reglaze commercial glazing including shopfronts, windows, doors, toughened glass assemblies, aluminium glazing systems, curtain walling systems, balustrading and watertight glazing.
- (6) Fabricate and install fixed mirrors.
- (7) Fabricate, install and reglaze architectural engineered glazing including suspended and overhead glazing and structural balustrading.
- (8) Construct and repair leadlight panels.
- (9) Apply film patterns and designs to glass.
- (10) Incidental work of another class.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 35 Hydraulic services design licences**1 Licence classes**

- (1) Hydraulic services design.
- (2) Hydraulic services design excluding design of on-site domestic waste water management.

2 Scope of work

- (1) For the licence class mentioned in section 1(1)—prepare plans, specifications and documents, associated with the following building services—
 - (a) sanitary drainage, soil waste and venting;
 - (b) trade waste drainage, plumbing and venting;
 - (c) cold and hot water;
 - (d) rainwater and stormwater drainage;
 - (e) gas services;
 - (f) fire hydrant and hose reel services, with or without pumps;

Schedule 2

- (g) commercial, residential and domestic fire sprinklers, deluge and wall wetting sprinklers (drenchers);
 - (h) on-site domestic waste water management.
- (2) For the licence class mentioned in section 1(2)—prepare plans, specifications and documents, associated with the building services mentioned in subsection (1)(a) to (g).

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Experience requirements

Two years experience, which includes experience gained during an apprenticeship or other training, in—

- (a) the scope of work for the class; or
- (b) other work, if the commission considers experience in the other work is at least equivalent to experience in the scope of work for the class.

5 Financial requirements

The relevant financial requirements in the board's policies.

Part 36 Joinery licence

1 Licence class

Joinery.

2 Scope of work

- (1) Install subfloor framing, including bearers and joists.
- (2) Construct and erect wall framing including install internal linings, assemble partition frames and install curtain walling.

- (3) Manufacture, assemble and fit components for door and window frames, doors and sashes, and for stairs.
- (4) Manufacture, assemble and install joinery unit components.
- (5) Prepare surfaces and apply paint and other finishes for joinery.
- (6) Cut and install glass for joinery.
- (7) Use aluminium, including fabricate, assemble, construct framework and manufacture aluminium grills and louvres.
- (8) Incidental work of another class.
- (9) In this section—
door includes a fire door or a fire shutter.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 37 Structural metal fabrication and erection licence

1 Licence class

Structural metal fabrication and erection.

2 Scope of work

- (1) Prepare, fabricate and erect structural and non-structural metal components.

(2) Incidental work of another class.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 38 Non-structural metal fabrication and installation licence

1 Licence class

Non-structural metal fabrication and installation.

2 Scope of work

Prepare, fabricate and erect non-structural metal components.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

6 Financial requirements

The relevant financial requirements in the board's policies.

**Part 39 Metal fascias and gutters
licence**

1 Licence class

Metal fascias and gutters.

2 Scope of work

- (1) Fabricate and install rainwater goods including, and associated with, metal fascias and gutters.
- (2) Fabricate and install external flashings and associated soffits, fascias and gutters.
- (3) Incidental work of another class.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 40 **Roof and wall cladding licence**

1 **Licence class**

Roof and wall cladding.

2 **Scope of work**

- (1) Select and install roof cladding other than terracotta and concrete roof tiles.
- (2) Fabricate and install rainwater goods.
- (3) Flash penetrations through roofs and walls, including, for example, install skylights and ventilators.
- (4) Design, fabricate and install external flashings, metal ceilings, associated soffits and fascias.
- (5) Erect fixed or operating box type louvre units.
- (6) Disconnect and reconnect air distribution equipment throughout roof or wall cladding.
- (7) Design roof drainage components.
- (8) Design penetrations associated with mechanical services, including large penetration water management.
- (9) Refurbish and maintain roofs, excluding painting roofs.
- (10) Incidental work of another class.

3 **Technical qualifications**

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 **Managerial qualifications**

An approved managerial qualification.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 41 Painting and decorating licence

1 Licence class

- (1) Painting and decorating.
- (2) Painting and decorating, excluding applying cement render.

2 Scope of work

- (1) For the licence class mentioned in section 1(1)—
 - (a) apply paint or other substance for protective, decorative or technical purposes, including colour matching; and
 - (b) apply texture coatings; and
 - (c) apply wall paper; and
 - (d) prepare surfaces for application of paint or other protective, decorative or technical materials; and
 - (e) apply cement render to no more than 8mm thickness; and
 - (f) incidental work of another class.
- (2) For the licence class mentioned in section 1(2)—the scope of work mentioned in subsection (1)(a) to (d) and (f).

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 42 Plastering drywall licence

1 Licence class

Plastering drywall.

2 Scope of work

- (1) Construct and install non-loadbearing partition wall frames and ceiling frames including fix plasterboard, plasterglass and fibre cement sheets and cornices and finishing joints.
- (2) Construct and install non-loadbearing fire-rated walls and ceilings, autoclaved aerated masonry wall and ceiling systems.
- (3) Install suspended ceiling systems.
- (4) Install cast plaster blockwork.
- (5) Apply or install waterproofing and damp-proofing for plastering drywall.
- (6) Incidental work of another class.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 43 Plastering solid licence

1 Licence class

- (1) Plastering solid.
- (2) Plastering solid, excluding applying paint for decorative, protective or technical purposes.

2 Scope of work

- (1) For the licence class mentioned in section 1(1)—
 - (a) concrete work for solid plastering, including installing formwork, reinforcement and concrete; and
 - (b) fix steel for solid plastering; and
 - (c) cut with oxyacetylene for solid plastering; and
 - (d) apply float and set coats for hard plaster-flat surfaces; and
 - (e) apply solid render; and
 - (f) apply trowelled texture-coat finishes; and
 - (g) install pre-cast decorative mouldings; and
 - (h) install cast plaster blockwork; and
 - (i) construct plaster mouldings; and
 - (j) conite construction; and
 - (k) apply paint for decorative, protective or technical purposes; and
 - (l) incidental work of another class.
- (2) For the licence class mentioned in section 1(2)—the scope of work mentioned in subsection (1)(a) to (j) and (l).

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 44 Refrigeration, airconditioning and mechanical services including unlimited design licence

1 Licence class

Refrigeration, airconditioning and mechanical services including unlimited design.

2 Scope of work

- (1) Installing, commissioning, servicing or repairing refrigeration, airconditioning, mechanical ventilation and air handling systems for a building.
- (2) Design and prepare plans and specifications for refrigeration, airconditioning, mechanical ventilation and air handling systems for a building if the plans and specifications are—
 - (a) for the licensee's personal use; or
 - (b) for use in building work to be performed by the licensee personally.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 45 Refrigeration, airconditioning and mechanical services including limited design licence**1 Licence class**

Refrigeration, airconditioning and mechanical services including limited design.

2 Scope of work

- (1) Installing, commissioning, servicing or repairing refrigeration, airconditioning, mechanical ventilation and air handling systems for a building.
- (2) Design and prepare plans and specifications for—
 - (a) refrigeration systems for a building; or
 - (b) airconditioning and mechanical ventilation and air handling systems for a building—
 - (i) that is not more than 3 storeys; and
 - (ii) that has a floor area of not more than 2,000m²; and
 - (iii) for which the plant capacity for any one system for the building is not more than 34kW;

but only if—

- (ba) to the extent the plans and specifications are for airconditioning and mechanical ventilation and air handling systems for a building—the systems do not

form part of a fire or smoke hazard management system for the building; and

- (c) the plans and specifications are—
 - (i) for the licensee's personal use; or
 - (ii) for use in building work to be performed by the licensee personally.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 46 Sheds, carports and garages licence

1 Licence class

Sheds, carports and garages.

2 Scope of work

- (1) The following building work for sheds, carports and garages that are class 10a buildings with a maximum floor area of 100m²—
 - (a) prepare, fabricate and erect metal components;
 - (b) prepare site for, and install, concrete floor slab.
- (2) Incidental work of another class.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 47 Shopfitting (trade) licence**1 Licence class**

Shopfitting (trade).

2 Scope of work

- (1) The following for shopfitting—
- (a) set out, fabricate and assemble cabinets, showcases, wall units, counters and work stations;
 - (b) set out, fabricate and assemble shopfronts, commercial entries, bulkheads and component fittings;
 - (c) install subfloor framing, including bearers, joists and ladder frames;
 - (d) construct and erect wall and ceiling framing including install internal linings, assemble partition frames and install curtain walling;
 - (e) manufacture, assemble and fit components for door and window frames, doors and sashes;
 - (f) manufacture, assemble and install stairs;
 - (g) manufacture, assemble and install joinery unit components;

Schedule 2

- (h) apply paint and other finishes, including prepare surfaces;
 - (i) cut and install glass;
 - (j) aluminium work, including fabricate, assemble or construct framework and manufacture aluminium grills and louvres.
- (2) Incidental work of another class.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 48 Site classifier licences

1 Licence classes

- (1) Site classifier.
- (2) Site classifier excluding on-site domestic waste water management.

2 Scope of work

- (1) For the licence class mentioned in section 1(1)—
 - (a) site survey, including use dumpy and laser levelling equipment; and

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- (b) sample, test and assess materials on building sites, including moisture testing, particle distribution testing, and field strength testing; and
 - (c) classify building sites through the interpretation of site and laboratory data; and
 - (d) prepare plans, specifications and documents for on-site domestic waste water management.
- (2) For the licence class mentioned in section 1(2)—the work mentioned in subsection (1)(a) to (c).

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 49 Steel fixing licence

1 Licence class

Steel fixing.

2 Scope of work

- (1) Place reinforcement steel in footing trenches, for on-ground slabs, and on formwork in preparation for the placement of concrete.
- (2) Incidental work of another class.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 50 Stonemasonry licence

1 Licence class

Stonemasonry.

2 Scope of work

- (1) Work with stone, including, for example, finish, lay, machine, renovate and shape.
- (2) Construct with stone, including, for example, arches, fireplaces, stairs and walls.
- (3) Concrete work for stonemasonry.
- (4) Lay segmental or unit paving for stonemasonry.
- (5) Set out and anchor facades.
- (6) Apply or install waterproofing and damp-proofing for stonemasonry.
- (7) Incidental work of another class.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

6 Financial requirements

The relevant financial requirements in the board's policies.

**Part 51 Structural landscaping (trade)
licence**

1 Licence class

Structural landscaping (trade).

2 Scope of work

- (1) Prepare, fabricate and erect carports, decking, fences, gazebos, pergolas, retaining walls of a height that does not require an engineering certification under a local law and ornamental structures.
- (2) Install prefabricated sheds, including associated concrete slabs, with a maximum floor area of 10m².
- (3) Install surface and subsoil drainage systems for landscaping work.
- (4) Prepare site and lay paving or concrete, not intended to carry vehicular traffic, for landscaping.
- (5) Incidental work of another class.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 51A Swimming pool construction, installation and maintenance licence

1 Licence classes

- (1) Swimming pool construction, installation and maintenance (construction).
- (2) Swimming pool construction, installation and maintenance (installation).
- (3) Swimming pool construction, installation and maintenance (maintenance and accessories).

2 Scope of work

- (1) For the licence class mentioned in section 1(1), the following—
 - (a) earthworks and drainage for the construction of concrete swimming pools and spas;
 - (b) place and fix reinforcement for the construction of concrete swimming pools and spas;
 - (c) construct formwork for concrete swimming pools and spas;
 - (d) place and finish concrete or other materials to provide a shape or form for concrete swimming pools and spas;
 - (e) ancillary pipework including general filtration, sanitation, water chemistry, solar heating and basic hydraulics for concrete swimming pools and spas;
 - (f) landscaping works associated with the construction of concrete swimming pools and spas, including pool fencing and paving;

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- (g) ceramic tiling, painting, coping and internal finishes associated with the construction of concrete swimming pools and spas;
 - (h) prepare plans and specifications for concrete swimming pools and spas, if the plans and specifications are—
 - (i) for the licensee's personal use; or
 - (ii) for use in building work to be performed by the licensee personally;
 - (i) maintenance and general repair of concrete swimming pools and spas;
 - (j) install pool accessories, including, for example, pool heating systems;
 - (k) incidental work of another class.
- (2) For the licence class mentioned in section 1(2), the following—
- (a) earthworks and drainage for the installation of prefabricated and fibreglass swimming pools and spas;
 - (b) install prefabricated and fibreglass swimming pools and spas;
 - (c) ancillary pipework including general filtration, sanitation, water chemistry, solar heating and basic hydraulics for prefabricated and fibreglass swimming pools and spas;
 - (d) place and finish bedding sand or other suitable materials for prefabricated and fibreglass swimming pools and spas, including packing, filling and levelling;
 - (e) place and fix formwork, reinforcement and concrete for the installation of prefabricated and fibreglass swimming pools and spas;
 - (f) landscaping works associated with the installation of prefabricated and fibreglass swimming pools and spas, including pool fencing and paving;

Schedule 2

- (g) install coping and tiling associated with the installation of prefabricated and fibreglass swimming pools and spas;
 - (h) prepare plans and specifications for prefabricated and fibreglass swimming pools and spas, if the plans and specifications are—
 - (i) for the licensee's personal use; or
 - (ii) for use in building work to be performed by the licensee personally;
 - (i) maintenance and general repair of prefabricated and fibreglass swimming pools and spas;
 - (j) install pool accessories, including, for example, pool heating systems;
 - (k) incidental work of another class.
- (3) For the licence class mentioned in section 1(3), the following—
- (a) non-structural maintenance and general repair of swimming pools and spas;
 - (b) install pool accessories, including, for example, pool heating systems;
 - (c) landscaping works associated with the maintenance and general repair of swimming pools and spas, including pool fencing and paving;
 - (d) incidental work of another class.
- (4) However, the scope of work for the licence class mentioned in section 1(1), (2) or (3) does not include—
- (a) construction, installation, maintenance or repair of membrane shade structures; or
 - (b) personally carrying out any building work for which—
 - (i) a fire protection licence is required; or
 - (ii) an occupational licence is required unless the licensee holds the occupational licence.
- (5) In this section—

fibreglass includes fibre reinforced plastic.

maintenance and general repair includes the removal, replacement or addition of accessories or equipment.

prefabricated pools includes above ground pools.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

3A Technical qualifications for site supervisor's licence

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 52 Termite management— chemical licence

1 Licence class

Termite management—chemical.

2 Scope of work

- (1) Pre-slab and perimeter chemical treatment of new building work for termite management.
- (2) Inspect or investigate a completed building, and give advice or a report, about the following—

- (a) termite management systems for the building;
- (b) termite infestation in the building.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 53 Termite management—physical licence

1 Licence class

Termite management—physical.

2 Scope of work

- (1) Install a particular material or system designed for the prevention of termite infestation in accordance with the manufacturer's specification or any other applicable standard.
- (2) Inspect or investigate a completed building and give advice or a report about the use of the particular material or system for the building.
- (3) In this section—

particular material or system means the material or system stated in a condition on the licensee's licence under section 35 of the Act.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

5 Financial requirements

The relevant financial requirements in the board's policies.

Part 54 Roof tiling licence**1 Licence class**

Roof tiling.

2 Scope of work

- (1) Cut and fix roof tiles (including tiles of concrete, clay, metal or similar material, shingles and shakes) to roof and fascia structures.
- (2) Set out and fix battens.
- (3) Bedding, pointing and installing of associated flashing.
- (4) Install safety mesh, sarking and antiponding boards.
- (5) Install firewall insulation and metal straps to battens.
- (6) Install skylights.
- (7) Refurbish and maintain roofs, excluding painting roofs.
- (8) Incidental work of another class.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 55 Wall and floor tiling licence

1 Licence class

Wall and floor tiling.

2 Scope of work

- (1) Cut and fix tiles, including ceramic, glass, marble, slate, stone and terracotta tiles, to fireplaces, floors, hearths, spas, swimming pools and walls.
- (2) Construct terrazzo floors, steps, risers and stringers.
- (3) Apply waterproofing for wall and floor tiling.
- (4) Incidental work of another class.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

6 Financial requirements

The relevant financial requirements in the board's policies.

Part 56 Waterproofing licence

1 Licence class

Waterproofing.

2 Scope of work

Apply, install and repair waterproofing including surface preparation and apply or install material or systems for preventing moisture penetration.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

4 Managerial qualifications

An approved managerial qualification.

6 Financial requirements

The relevant financial requirements in the board's policies.

Schedule 2A Classes and requirements of fire protection occupational licences

sections 14C and 16B

Part 1 Passive fire protection—fire doors and shutters occupational licences

1 Licence classes

- (1) Certify.
- (2) Inspect and test.

2 Scope of work

- (1) For the licence class mentioned in section 1(1)—certify, inspect and test fire doors and shutters.
- (2) For the licence class mentioned in section 1(2)—
 - (a) inspect fire doors and shutters; and
 - (b) test fire doors and shutters.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

Part 2 **Passive fire protection—fire collars, penetrations and joint sealing occupational licence**

1 **Licence class**

Certify, install and maintain.

2 **Scope of work**

Certify, install and maintain, inspect and test—fire collars, fire rated penetrations and fire rated joint sealing.

3 **Technical qualifications**

The technical qualifications stated in the technical qualifications document for the licence class applied for.

Part 3 **Passive fire protection—fire and smoke walls and ceilings occupational licence**

1 **Licence class**

Certify.

2 **Scope of work**

Certify, inspect and test fire walls, smoke walls, or fire rated ceiling systems requiring a fire resistant level under the Building Code of Australia.

3 **Technical qualifications**

The technical qualifications stated in the technical qualifications document for the licence class applied for.

- (a) reticulated water based fire suppression systems or fire sprinkler systems which are of a commercial or industrial type designed in accordance with AS 2118.1; and
- (b) reticulated water based fire suppression systems or fire sprinkler systems which are of a domestic type designed in accordance with AS 2118.5 or of a residential type designed in accordance with AS 2118.4, to a maximum height of 4 storeys.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

Part 6 Fire pumps occupational licences

1 Licence classes

- (1) Certify.
- (2) Inspect and test.

2 Scope of work

- (1) For a licence class mentioned in section 1(1), certify, inspect and test fire pumps.
- (2) For a licence class mentioned in section 1(2), inspect and test fire pumps.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

Part 7 **Fire hydrants and hose reels occupational licences**

1 **Licence classes**

- (1) Certify.
- (2) Inspect and test.

2 **Scope of work**

- (1) For a licence class mentioned in section 1(1), certify, inspect and test fire hydrants and hose reels.
- (2) For a licence class mentioned in section 1(2), inspect and test fire hydrants and hose reels.

3 **Technical qualifications**

The technical qualifications stated in the technical qualifications document for the licence class applied for.

Part 8 **Portable fire equipment and hose reels (hose reels down stream of stop cock only) occupational licences**

1 **Licence classes**

- (1) Certify.
- (2) Install and maintain.

2 **Scope of work**

- (1) For a licence class mentioned in section 1(1), certify, inspect and test portable fire equipment and hose reels (hose reels down stream of stop cock only), including non-pumped presence of water tests.

- (2) For a licence class mentioned in section 1(2), install and maintain portable fire equipment and hose reels (hose reels down stream of stop cock only), including non-pumped presence of water tests.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

Part 9 Fire detection, alarm and warning systems occupational licences

1 Licence classes

- (1) Certify.
- (2) Install and maintain—extra low voltage.
- (3) Maintain—extra low voltage.

2 Scope of work

- (1) For a licence class mentioned in section 1(1), certify, inspect and test fire detection, alarm and warning systems, including inputs to, and outputs and controls from, fire alarm systems, fire ventilation controls, and suppression system monitoring and controls.
- (2) For a licence class mentioned in section 1(2), install and maintain fire detection, alarm and warning systems, including inputs to, and outputs and controls from, fire alarm systems, fire ventilation controls, and suppression system monitoring and controls, but limited to systems and controls with extra low voltage.
- (3) For a licence class mentioned in section 1(3), maintain fire detection, alarm and warning systems, including inputs to, and outputs and controls from, fire alarm systems, fire

ventilation controls, and suppression system monitoring and controls, but limited to systems and controls with extra low voltage.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

Part 10 Emergency lighting occupational licences

1 Licence classes

- (1) Certify.
- (2) Inspect and test.

2 Scope of work

- (1) For a licence class mentioned in section 1(1), certify, inspect and test emergency lighting systems to provide a level of illumination for safe evacuation in a fire emergency, provide identification of exits and paths of travel to an exit, and to safeguard occupants by making them aware of the fire emergency.
- (2) For a licence class mentioned in section 1(2), inspect and test emergency lighting systems to provide a level of illumination for safe evacuation in a fire emergency, provide identification of exits and paths of travel to an exit, and to safeguard occupants by making them aware of the fire emergency.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

Part 11 Emergency procedures occupational licence

1 Licence class

Emergency procedures.

2 Scope of work

Develop and approve emergency evacuation procedures for the controlled evacuation of buildings, structures and workplaces during a fire emergency.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

Part 12 Fire safety professional occupational licence

1 Licence class

Fire safety professional.

2 Scope of work

- (1) The formulation and provision of alternative solutions relating to fire safety.
- (2) The inspection of, or reporting on, buildings (including existing, temporary or special structures) against fire performance legislation, such as the Building Code of Australia and the *Building Act 1975*.
- (3) Certify, inspect and test a fire protection system.

- (4) However the scope of work does not include professional engineering services under the *Professional Engineers Act 2002*.

3 Technical qualifications

The technical qualifications stated in the technical qualifications document for the licence class applied for.

Schedule 2AA Demerit offences

sections 27AA and 27AB

Column 1	Column 2
Demerit offence	Demerit points
s 42B(1)	10
s 42C(1)	10
s 42D	10
s 43(1)	8
s 43(2)	8
s 43A(1)	8
s 43A(2)	8
s 43B(2)	8
s 43B(3)	8
s 43C(2)	8
s 43C(3)	8
s 50C(4)	4
s 51A(1)	10
s 51A(2)	10
s 51B(2)	8
s 53B(1)	4
s 56(2) in the circumstances of paragraph (b) of the penalty	8
s 67G(1)	4
s 67G(2)	4

Column 1	Column 2
Demerit offence	Demerit points
s 67G(3)	4
s 67I(4)	4
s 67V(1)	4
s 68B(2)	4
s 68B(3)	4
s 68C(2)	4
s 72AA(1)	4
s 72AA(2)	4
s 73	10
s 106B(1)	8
s 108A(2)	4
s 108B(1)	4
s 108C(1)	4
s 108C(3)	4
sch 1B, s 15	4
sch 1B, s 16(2)	2
sch 1B, s 17(2)	2
sch 1B, s 18(2)	2
sch 1B, s 30	10
sch 1B, s 31(2)	4
sch 1B, s 31(5)	2
sch 1B, s 33(1)	4
sch 1B, s 34(1)	2

Column 1	Column 2
Demerit offence	Demerit points
sch 1B, s 40(2)	2
sch 1B, s 40(5)	2
sch 1B, s 41(1)	2
sch 1B, s 42(2)	2
sch 1B, s 42(3)	2
sch 1B, s 43(2)	4

Schedule 2B Fire protection work by employees

section 27A

Column 1	Column 2
1 inspect and test commercial or industrial sprinkler and suppression systems	<p>a licensee under the <i>Plumbing and Drainage Act 2002</i> in a licence of a class—</p> <p>(a) plumber holding the endorsement of fire protection (commercial and industrial); or</p> <p>(b) water plumber—fire protection (commercial and industrial)</p>
2 inspect and test domestic or residential sprinkler and suppression systems	<p>a licensee under the <i>Plumbing and Drainage Act 2002</i> in a licence of a class water plumber—fire protection (domestic and residential)</p> <p>a licensee under the <i>Plumbing and Drainage Act 2002</i> with an endorsement on a plumbers licence of Fire protection—domestic and residential</p>
3 inspect and test fire pumps, fire hydrants and hose reels	licence issued under the <i>Plumbing and Drainage Act 2002</i> in the licence class of plumber or water plumber—fire protection (hydrants and hose reels)

Schedule 2B

	Column 1	Column 2
4	installation or maintenance of a fire door or shutter	a technical qualification mentioned in schedule 2, part 16, section 3
5	install, maintain, inspect and test fire detection, alarm and warning systems extra low voltage	possession of an electrical mechanic licence
6	inspect and test emergency lighting systems	possession of an electrical mechanic licence

Schedule 2C Terms of cover for statutory insurance scheme

sections 26B and 26C

Part 1 Preliminary

1 Overview and application of schedule

- (1) Part 2 provides for the assistance a consumer for residential construction work is entitled to claim under the statutory insurance scheme if the work is incomplete.
- (2) Part 3 provides for the assistance a consumer for residential construction work is entitled to claim under the statutory insurance scheme if the work is defective.
- (3) However, the assistance provided under part 2 or 3 is subject to—
 - (a) any limitations stated in the part, including limitations about the time for making a claim; and
 - (b) the maximum amount of assistance the commission may pay for the work under part 4; and
 - (c) the general provisions stated in part 5; and
 - (d) the provisions about claims stated in part 6.

2 Definitions

In this schedule—

built work means a structure or part of a structure, or another thing, resulting from residential construction work.

defective work see section 14.

defined event means—

- (a) vandalism or forcible removal of built work; or
- (b) fire, storm or tempest.

ends, for a fixed price residential contract, see section 4.

fire means a fire or explosion other than the following—

- (a) a fire or explosion where there is no flame;
- (b) a fire that has not escaped the normal confines of a cooking, heating or electrical appliance;
- (c) a fire or explosion caused by—
 - (i) spontaneous fermentation or heating or a process involving the application of heat; or
 - (ii) earthquake or subterranean fire; or
 - (iii) riot, civil commotion, war, invasion, act of foreign enemy, a terrorist act, hostilities (regardless of whether war is declared), civil war, rebellion, revolution, insurrection or military or usurped power; or
 - (iv) arson, vandalism or forcible removal of built work or another unlawful act;
- (d) an explosion that results in built work being damaged from exposure to water or another liquid, including, for example, petrol or oil but not including water from a pipe damaged by the explosion or water used to extinguish a fire.

fixed price residential contract see section 3.

forcible removal, of built work—

- (a) means the removal by force of built work that is fixed by a person—
 - (i) acting without the consent of the consumer for the residential construction work; and
 - (ii) who is not the invitee of the consumer; and
- (b) does not include the removal of the built work as a result of a terrorist act.

incomplete work provisions means—

- (a) section 7; and

- (b) section 9; and
- (c) section 10, to the extent it applies to a claim for a defined event that is vandalism or forcible removal of built work; and
- (d) section 15; and
- (e) section 20.

insolvent includes external administration (for example, liquidation, receivership or compromise entered into with creditors) under the Corporations Act or a similar law of a foreign jurisdiction.

interest schedule lot entitlement see the *Body Corporate and Community Management Act 1997*, section 46.

liability amount, for a consumer for residential construction work—

- (a) means the amount of the consumer's remaining liability under—
 - (i) if the contract for carrying out the work has ended—the contract immediately before the contract ended; or
 - (ii) otherwise—the contract for carrying out the work; and
- (b) does not include—
 - (i) any amount for liquidated damages or damages for delay that the consumer may be entitled to set-off against the remaining liability; or
 - (ii) an amount for which the licensed contractor who carried out the work has waived payment for valuable consideration, or is liable to the consumer in relation to the contract.

licensed contractor includes a building contractor who, at or before the time a contract for the carrying out of residential construction work is entered into, makes a representation mentioned in section 68H(1)(b) of the Act.

lot see the *Body Corporate and Community Management Act 1997*, schedule 6.

prime cost item, for a fixed price residential contract, means an item, including, for example, a fixture or fitting—

- (a) that has not been selected, or the price of which is not known, by the consumer or the licensed contractor when the contract is entered into; and
- (b) for which the contract provides for the licensed contractor to make a reasonable allowance for the cost of its supply and delivery.

provisional sum, for a fixed price residential contract, means an amount that is an estimate of the cost of providing particular services under the contract (including the cost of supplying materials needed for the work under the contract) if the licensed contractor, after making all reasonable inquiries, can not state a definite amount for the services when the contract is entered into.

rectification work see section 15(1).

reinstatement work see section 10(2).

storm does not include the following—

- (a) heavy or persistent rain by itself;
- (b) water rising up from the ground, including from natural causes;
- (c) an increase in sea level, including a tsunami or other storm surge.

structural defect, for primary insurable work, means—

- (a) if the work is for a residence or related roofed building—
 - (i) a defect in the work that causes or contributes to deflection or movement of the footing or slab of the residence or building so that the residence or building no longer complies with the building assessment provisions under the *Building Act 1975*; or

-
- (ii) the work does not comply with a performance requirement under the Building Code of Australia, part B1 or part 2.1 for the residence or building; or
 - (iii) a defect in the work that causes the residence or building to be uninhabitable or not reasonably accessible; or
- (b) if the work is for a swimming pool—a defect in the work that allows water to escape through the shell of the swimming pool; or
 - (c) if the work is on or for a residence, related roofed building or swimming pool—a defect in the work that adversely affects the health or safety of persons who occupy or use the residence, building or swimming pool; or
 - (d) if the work is on or for a residence or related roofed building—a defect in the work that allows water penetration of the residence or building.

substantially complete, for residential construction work, means at least 1 of the following applies in relation to the work—

- (a) the final payment under the contract for the work is made;
- (b) if the residential construction work is for the erection or construction of a residence—the residence is occupied;
- (c) the built work is able to be used for its intended purpose despite the work not complying with the contract because of a cosmetic difference.

swimming pool see the *Building Act 1975*, schedule 2.

terrorist act see the *Police Powers and Responsibilities Act 2000*, section 211.

vandalism, of built work—

- (a) means vandalism of the work by a person—
 - (i) acting without the consent of the consumer for the residential construction work; and

- (ii) who is not the invitee of the consumer; and
- (b) does not include vandalism of built work as a result of a terrorist act.

3 Meaning of *fixed price residential contract*

- (1) A *fixed price residential contract* is a contract between a consumer and a licensed contractor for residential construction work for which the price is fixed except for the effect of the following—
 - (a) prime cost items;
 - (b) provisional sums;
 - (c) increases to reflect increased costs of labour or materials or delays in carrying out the work.
- (2) However, the following contracts are not included for subsection (1)—
 - (a) a construction management contract;
 - (b) a contract for the erection, construction, renovation, alteration, extension, improvement or repair of 3 or more living units.

4 When fixed price residential contract ends

- (1) A fixed price residential contract *ends* if—
 - (a) the contract is validly terminated on the default of the licensed contractor; or
 - (b) the licensed contractor dies; or
 - (c) the licensed contractor is a company and the company no longer exists; or
 - (d) both of the following apply—
 - (i) the licensed contractor is bankrupt or insolvent, or takes advantage of the laws of bankruptcy as a debtor under the *Bankruptcy Act 1966* (Cwlth) or a similar law of a foreign jurisdiction;

- (ii) the licensed contractor's licence is cancelled.
- (2) In this section—
validly terminated, for a fixed price residential contract, does not include mutual abandonment of the contract by the parties to the contract.

Part 2 **Incomplete residential construction work**

Division 1 **Assistance if work not started**

5 **Assistance if work not started**

- (1) This section applies to a consumer for residential construction work if—
- (a) the work is to be carried out under a fixed price residential contract; and
 - (b) the contract ends within 2 years after the contract date; and
 - (c) work under the contract has not started before the contract ends.

Note—

See section 26L of the regulation for when residential construction work is taken to start.

- (2) The consumer is entitled to claim assistance for the amount of the insurable deposit for the contract that is not otherwise refunded to the consumer under the contract.
- (3) However, no assistance can be given to the consumer unless the consumer makes the claim before the day that is 3 months after the day the contract ends.
- (4) In this section—
deposit, for a fixed price residential contract, includes any payment for residential construction work received by the licensed contractor prior to work under the contract starting at

the place where the work is to be completed under the contract, including, for example, any insurance premium paid.

insurable deposit, for a fixed price residential contract, means the least of the following amounts—

- (a) the deposit paid by the consumer to the licensed contractor under the contract;
- (b) if the insurable value of the off-site work is more than 50% of the contract price—20% of the contract price;
- (c) if the contract price is less than \$20,000—10% of the contract price;
- (d) if the contract price is \$20,000 or more—5% of the contract price.

off-site work, for a fixed price residential contract, means work under the contract performed at a place that is not the place where the residential construction work is to be completed under the contract.

Division 2 Assistance if work started

Subdivision 1 Preliminary

6 Application of division

This division applies to a consumer for residential construction work if—

- (a) the work is carried out under a fixed price residential contract; and
- (b) the contract ends within 2 years after the day work starts under the contract; and

Note—

See section 26L of the regulation for when residential construction work is taken to start.

- (c) the work is incomplete; and

- (d) for work for the common property for a community titles scheme if the work is, or is to be, carried out in or on a multiple dwelling in the scheme—at least half the residential units in the multiple dwelling are occupied when the contract is entered into and when it ends.

Subdivision 2 Completion of work

7 Assistance for completion of work

- (1) The consumer is entitled to claim assistance for the reasonable cost of completing the residential construction work.
- (2) However, the consumer is not entitled to claim the assistance if—
 - (a) the residential construction work is prohibited under a relevant law; or
 - (b) approval required to complete the residential construction work under a relevant law can not be obtained.
- (3) If the consumer is not entitled to claim assistance as mentioned in subsection (2), the consumer is entitled to claim the following assistance—
 - (a) the reasonable cost of demolishing the built work;
 - (b) an amount equivalent to the amount the consumer has paid under the contract, when the claim is made, for the built work that is demolished.
- (4) However, the consumer is not entitled to claim the assistance mentioned in subsection (3) if—
 - (a) the residential construction work is prohibited under a relevant law; and
 - (b) the consumer assisted, authorised or encouraged the contravention of the relevant law.
- (5) The assistance mentioned in subsection (1) or (3) the consumer is entitled to claim in relation to the residential construction work must be reduced by—

- (a) for assistance mentioned in subsection (1)—the consumer’s liability amount for the work; and
 - (b) if the consumer makes a payment to, or for, the licensed contractor for the work before the payment is due under the contract—the reasonable cost of completing the work for which the payment was made; and
 - (c) if the insurable value of the work exceeds the contract price for the work by more than 30%—the amount by which the insurable value of the work exceeds the contract price.
- (6) No assistance can be given to the consumer unless the consumer makes a claim mentioned in this section before the day that is 3 months after the day the contract for the work ends.
- (7) In this section—
- relevant law***, for residential construction work, means the following—
- (a) the *Queensland Heritage Act 1992*;
 - (b) the Planning Act.

8 Assistance not available for completing particular work

The consumer is not entitled to claim assistance mentioned in section 7 for building work services carried out by a construction manager.

9 Assistance for accommodation, removal and storage costs

- (1) This section applies if—
- (a) the commission allows a claim for assistance mentioned in section 7(1) (the ***completion claim***); and
 - (b) the residential construction work the subject of the completion claim is for a residence that is—

-
- (i) occupied by the consumer or, if the residence is unoccupied, intended to be occupied by the consumer; and
 - (ii) uninhabitable because the work is incomplete.
- (2) In addition to the assistance mentioned in section 7(1), the consumer is entitled to claim assistance for the accommodation, removal and storage costs of the consumer incurred by the consumer during all or part of the claim period for the completion claim.
- (3) However, no assistance can be given to the consumer for the accommodation, removal and storage costs unless the consumer makes the claim for the costs within 28 days after the day the claim period for the completion claim ends.
- (4) In this section—

accommodation, removal and storage costs, of a consumer, means the reasonable costs of the following—

- (a) alternative accommodation of the consumer;
- (b) removal;
- (c) storage.

claim period, for the completion claim, means—

- (a) the initial claim period for the completion claim; and
- (b) the subsequent claim period for the completion claim.

initial claim period, for the completion claim, means the period—

- (a) starting on the latest of the following—
 - (i) the day the contract for the residential construction work the subject of the completion claim ends;
 - (ii) the day the consumer makes the completion claim;
 - (iii) if a day for practical completion of the work is stated in, or is decided under, the contract—that day; and
- (b) ending on the earliest of the following—

- (i) when the residence is habitable;
- (ii) the day the consumer for the work contracts with a licensed contractor to complete the work the subject of the completion claim;
- (iii) 7 days after the day the consumer is given written notice that the completion claim has been allowed.

subsequent claim period, for the completion claim, means the period—

- (a) starting on the day the consumer for the residential construction work the subject of the completion claim contracts with a licensed contractor to complete the work the subject of the completion claim; and
- (b) ending when the residence is habitable.

Subdivision 3 Vandalism, forcible removal, fire, storm or tempest

10 Assistance for defined event

- (1) This section applies if—
 - (a) the built work the subject of an allowed completion claim is damaged or destroyed as a result of a defined event; and
 - (b) the damage to or destruction of the built work happened—
 - (i) during the claim period for the allowed completion claim; and
 - (ii) as a consequence of the work being incomplete.
- (2) The consumer is entitled to claim assistance for the reasonable cost of work (*reinstatement work*) necessary to reinstate the built work to the same state that it was in immediately before the defined event that caused the damage to or destruction of the work.

-
- (3) The assistance mentioned in subsection (2) must be reduced by the amount, if any, by which the consumer's liability amount for the residential construction work the subject of the allowed completion claim exceeds the reasonable cost of completing the work.
- (4) However, no assistance can be given to the consumer unless the consumer makes the claim for the reinstatement work within 14 days after the day the damage to or destruction of the built work would have come to the attention of the consumer if the consumer was taking reasonable steps to monitor and protect the built work.

- (5) In this section—

allowed completion claim means a claim for assistance mentioned in section 7(1) if the commission—

- (a) allows the claim; or
- (b) disallows the claim only because either or both of the following apply—
- (i) the maximum amount the commission may pay under part 4 in relation to the claim has been reached;
- (ii) the consumer's liability amount for the residential construction work the subject of the claim exceeds the reasonable cost of completing the work.

claim period, for an allowed completion claim, means the period—

- (a) starting on the day the allowed completion claim is made; and
- (b) ending on the earliest of the following—
- (i) 6 months after the day the contract for the residential construction work the subject of the allowed completion claim ends;
- (ii) the day the consumer contracts with a licensed contractor to complete the residential construction work the subject of the allowed completion claim;

- (iii) 7 days after the day the consumer is given written notice that the allowed completion claim has been allowed or disallowed.

11 No entitlement to assistance for particular loss

The consumer is not entitled to claim assistance mentioned in section 10(2) for—

- (a) damage to or destruction of built work that is caused gradually as a result of repeated exposure of the work to fire or smoke; or
- (b) residential construction work carried out using goods or materials not supplied by the licensed contractor, or the licensed contractor's agent, under the contract; or
- (c) damage to or destruction of property, other than the built work, as a result of a defined event, including, for example, damage to or destruction of a building that exists on the site of the residential construction work before the work starts; or
- (d) the cost of removing a tree stump, or any part of a tree that has not fallen or caused damage to the built work; or
- (e) building work services.

12 Threshold for vandalism or forcible removal

For each occurrence of vandalism or forcible removal of built work, the consumer is entitled to claim only the reasonable cost of reinstatement work mentioned in section 10(2) that is more than \$2,500.

13 Requirement to report vandalism or forcible removal

Before making a claim for assistance mentioned in section 10(2) relating to vandalism or forcible removal of built work, the consumer must report the vandalism or forcible removal to the Queensland Police Service.

Note—

See section 65(3) for the evidence that must be included in a notice of claim in relation to vandalism or forcible removal of built work.

Part 3 Defective work

14 Application of part

This part applies to residential construction work that is primary insurable work if it is defective (*defective work*).

15 Assistance for defective work

(1) The consumer of the residential construction work is entitled to claim assistance for the reasonable cost of the following work (*rectification work*)—

- (a) rectifying the defective work;
- (b) any other building work reasonably required to be carried out to a relevant building as a consequence of the defective work.

Example for subsection (1)(b)—

work reasonably required to repair a wall in a residence that has cracked because defective work to the concrete slab supporting the wall has resulted in subsidence of the slab

(2) However, to the extent all of the following apply to the defective work, the consumer is not entitled to claim assistance mentioned in subsection (1) but may be entitled to claim assistance mentioned in subsection (3)—

- (a) the primary insurable work is defective because the work does not comply with the plans or specifications for the work;

Example for paragraph (a)—

a ceiling constructed at a height of 2.9m when the plans and specifications state a height of 3m

- (b) the primary insurable work complies with all of the following—

- (i) the *Building Act 1975*;
 - (ii) the Building Code of Australia;
 - (iii) the Queensland Development Code within the meaning of the *Building Act 1975*;
 - (c) the use of the built work is not significantly affected as a result of the defective work.
- (3) To the extent subsection (2) applies to the defective work, the consumer is entitled to claim the loss in value of the built work as a result of the defective work.
- (4) The assistance the consumer is entitled to claim under this section in relation to the residential construction work must be reduced by the consumer's liability amount for the work.
- (5) In this section—

relevant building means—

- (a) if primary insurable work was carried out for a residence, other than a residential unit, and paragraph (e) does not apply—the residence; or
- (b) if primary insurable work was carried out for a related roofed building—the related roofed building; or
- (c) if primary insurable work was carried out for a swimming pool, other than a swimming pool that is in or on a multiple dwelling—the swimming pool; or
- (d) if primary insurable work was carried out for a residential unit and paragraph (e) does not apply—the residential unit; or
- (e) if primary insurable work was carried out for the common property for a community titles scheme and the work was carried out in or on a duplex or multiple dwelling in the scheme—the duplex or multiple dwelling and each residential unit in the duplex or multiple dwelling.

16 Limit on assistance

- (1) A consumer is entitled to claim assistance mentioned in section 15 in relation to a structural defect in the residential construction work if the consumer first becomes aware, or ought reasonably to have become aware, of the structural defect within—
 - (a) for residential construction work that is not substantially complete within 6 months after the cover commencement day for the work—the period—
 - (i) starting on the day that is 6 months after the cover commencement day; and
 - (ii) ending 6 years and 6 months after the period starts; or
 - (b) otherwise—6 years and 6 months after the cover commencement day for the work.
- (2) Also, a consumer is entitled to claim assistance mentioned in section 15 in relation to a defect, other than a structural defect, in the residential construction work if the consumer first becomes aware, or ought reasonably to have become aware, of the defect within 6 months after the day the work is substantially complete.
- (3) No assistance can be given to the consumer unless the consumer makes a claim mentioned in section 15—
 - (a) for a structural defect—within 3 months after the day the consumer first becomes aware, or ought reasonably to have become aware, of the defect in the work; or
 - (b) for a defect other than a structural defect—within 7 months after the day the residential construction work is substantially complete.
- (4) In this section—

cover commencement day, for residential construction work, means—
 - (a) if the consumer for the work obtains optional additional cover—the day the optional additional cover comes into force for the work; or

- (b) otherwise—the day cover under the statutory insurance scheme comes into force for the work.

Note—

See section 68I of the Act for when cover under the statutory insurance scheme comes into force for residential construction work.

17 Reasonable cost of rectification work for particular common property

- (1) This section applies if—
 - (a) the defective work is carried out in a building, in a community titles scheme, that includes 1 or more lots used for residential purposes and 1 or more lots used for commercial purposes; and
 - (b) the rectification work mentioned in section 15(1) includes work for the common property for the scheme.
- (2) The reasonable cost of the rectification work mentioned in section 15(1) for the common property must be calculated using the formula—

$$C \times \frac{R}{A}$$

where—

C is the total cost of the rectification work required for the common property.

R is the sum of the interest schedule lot entitlements of the lots in the building that are used for residential purposes.

A is the sum of the interest schedule lot entitlements for all lots in the building.

18 No entitlement to assistance in particular circumstances

The consumer is not entitled to assistance mentioned in section 15 if—

- (a) the consumer has unreasonably refused the licensed contractor who carried out the defective work access to the site to carry out rectification work; or

- (b) the licensed contractor who carried out the defective work has a continuing legal obligation to complete the work.

19 No entitlement to assistance for particular loss

The consumer is not entitled to claim assistance mentioned in section 15 for any of the following—

- (a) if the primary insurable work is for the erection, construction or installation of a swimming pool—
 - (i) a defect in the work for the swimming pool that is not a structural defect; or
 - (ii) surfacing of an area outside the coping for the swimming pool; or
 - (iii) work associated with the erection, construction or installation of the swimming pool, including, for example, paving, supplying or installing water features, swimming pool slides, diving boards and swimming pool equipment and housings; or
 - (iv) steps for the swimming pool that are not fixed structures;
- (b) if the primary insurable work is for the erection or construction of a related roofed building and the slab for the building is constructed other than under the contract for carrying out the work—damage to the building caused or contributed to by the slab;
- (c) if the primary insurable work is for an existing residence or related roofed building—damage to the residence or building that is—
 - (i) not directly caused by the carrying out of the work; or
 - (ii) not directly contributed to by the carrying out of the work.

20 Assistance for accommodation, removal and storage costs

- (1) This section applies if—
 - (a) the commission allows a claim for assistance mentioned in section 15(1); and
 - (b) the primary insurable work the subject of the claim is for a residence that is—
 - (i) occupied by the consumer or, if the residence is unoccupied, intended to be occupied by the consumer; and
 - (ii) uninhabitable because the work is defective, or will become uninhabitable while the work necessary under the claim is carried out.
- (2) In addition to the assistance mentioned in section 15(1), the consumer is entitled to claim assistance for the accommodation, removal and storage costs of the consumer incurred by the consumer—
 - (a) while the rectification work is being carried out; and
 - (b) as a result of the residence being uninhabitable.
- (3) However, no assistance can be given to the consumer for the accommodation, removal and storage costs unless the consumer makes the claim for the costs during the period or before the time mentioned in section 16(1)(a) or (b).
- (4) In this section—

accommodation, removal and storage costs, of a consumer, means the reasonable costs of the following—

 - (a) alternative accommodation of the consumer;
 - (b) removal;
 - (c) storage.

Part 4 Maximum amounts

Division 1 Preliminary

21 Application of part

This part states the maximum amount the commission may pay for all claims relating to residential construction work if cover under the statutory insurance scheme is in force for the work.

22 Maximum amount inclusive of tax

An amount mentioned in this part is inclusive of any tax payable for the residential construction work.

Division 2 Work to which section 26F of the regulation applied

23 Application of division

This division states the maximum amount the commission may pay for all claims relating to residential construction work if section 26F of the regulation applied for calculating the insurable value of the work.

24 Claims relating to incomplete work, defective work or vandalism or forcible removal of built work—work not substantially complete

- (1) The maximum amount the commission may pay for all claims mentioned in the incomplete work provisions in relation to residential construction work that is not substantially complete is—
 - (a) if optional additional cover is in force for the work—\$300,000 multiplied by the number of living units for which the work was carried out; or

- (b) if paragraph (a) does not apply—\$200,000 multiplied by the number of living units for which the work was carried out.
- (2) However, the commission must not pay more than the following for any 1 living unit for which the residential construction work was carried out—
- (a) if optional additional cover is in force for the work—
 - (i) for all claims mentioned in sections 9 and 20—\$10,000; and
 - (ii) for all claims mentioned in the incomplete work provisions—\$300,000;
 - (b) if paragraph (a) does not apply—
 - (i) for all claims mentioned in sections 9 and 20—\$5,000; and
 - (ii) for all claims mentioned in the incomplete work provisions—\$200,000.
- (3) Also, the amount the commission may pay for the common property for a community titles scheme for all claims mentioned in the incomplete work provisions in relation to the residential construction work—
- (a) must not be more than the maximum amount stated in section 27 for the residential construction work; and
 - (b) must be apportioned between each living unit for which the residential construction work was carried out in proportion to the living unit's interest schedule lot entitlement.
- (4) The amount apportioned for a living unit under subsection (3)(b) is counted for calculating the amount mentioned in subsection (2)(a)(ii) or (b)(ii).

Example—

Residential construction work is carried out for a multiple dwelling in a community titles scheme. Under subsection (3), \$9,000 is apportioned to a residential unit in the multiple dwelling as a result of a claim for the common property for the scheme. The maximum amount the commission may pay under subsection (2)(b)(ii) for the residential unit is \$191,000.

25 Claims for fire, storm or tempest—work not substantially complete

- (1) The maximum amount the commission may pay for all claims mentioned in section 10 (as a result of a defined event that is a fire, storm or tempest) in relation to residential construction work that is not substantially complete is—
 - (a) if optional additional cover is in force for the work—\$300,000 multiplied by the number of living units for which the residential construction work was carried out; or
 - (b) if paragraph (a) does not apply—\$200,000 multiplied by the number of living units for which the work was carried out.
- (2) However, the commission must not pay more than the following for any 1 living unit for which the residential construction work was carried out—
 - (a) if optional additional cover is in force for the work—\$300,000;
 - (b) if paragraph (a) does not apply—\$200,000.
- (3) Also, the amount the commission may pay for the common property for a community titles scheme for all claims mentioned in section 10 (as a result of a defined event that is a fire, storm or tempest) in relation to the residential construction work—
 - (a) must not be more than the maximum amount stated in section 27 for the residential construction work; and
 - (b) must be apportioned between each living unit for which the residential construction work was carried out in proportion to the living unit's interest schedule lot entitlement.
- (4) The amount apportioned for a living unit under subsection (3)(b) is counted for calculating the amount mentioned in subsection (2)(a) or (b).

26 Claims relating to defective work—work substantially complete

- (1) The maximum amount the commission may pay for all claims mentioned in sections 15 and 20 in relation to residential construction work that is substantially complete is—
 - (a) if optional additional cover is in force for the work—\$300,000 multiplied by the number of living units for which the work was carried out; or
 - (b) if paragraph (a) does not apply—\$200,000 multiplied by the number of living units for which the work was carried out.
- (2) However, the commission must not pay more than the following for any 1 living unit for which the residential construction work was carried out—
 - (a) if optional additional cover is in force for the work—
 - (i) for all claims mentioned in section 20—\$10,000; and
 - (ii) for all claims mentioned in sections 15 and 20—\$300,000;
 - (b) if paragraph (a) does not apply—
 - (i) for all claims mentioned in section 20—\$5,000; and
 - (ii) for all claims mentioned in sections 15 and 20—\$200,000.
- (3) Also, the amount the commission may pay for the common property for a community titles scheme for all claims mentioned in sections 15 and 20 in relation to the residential construction work—
 - (a) must not be more than the maximum amount mentioned in section 27 for the residential construction work; and
 - (b) must be apportioned between each living unit for which the work was carried out in proportion to the living unit's interest schedule lot entitlement.

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- (4) The amount apportioned for a living unit under subsection (3)(b) is counted for calculating the amount mentioned in subsection (2)(a)(ii) or (b)(ii).

27 Common property limit

- (1) The maximum amount the commission may pay for the common property for a community titles scheme for the total of all claims mentioned in sections 7, 9, 10, 15 and 20 in relation to the residential construction work is—
- (a) if optional additional cover is in force for the work—the lesser of the following—
- (i) \$300,000 multiplied by the number of living units for which the work was carried out;
 - (ii) \$1.3m; or
- (b) if paragraph (a) does not apply—the lesser of the following—
- (i) \$200,000 multiplied by the number of living units for which the work was carried out;
 - (ii) \$1m.
- (2) The amount mentioned in subsection (1) applies regardless of whether the residential construction work is substantially complete or not substantially complete.

Example—

Residential construction work is carried out for 6 residential units in a community titles scheme. Before the work is substantially complete, the commission pays \$50,000 for the common property for the scheme for a claim in relation to the work. After the work is substantially complete, the maximum amount remaining that the commission may pay for the common property in relation to the work is \$950,000 (if optional additional cover is not in force for the work).

Division 3 Work to which section 26G of the regulation applied

28 Application of division

This division states the maximum amount the commission may pay for all claims relating to residential construction work if section 26G of the regulation applied for calculating the insurable value of the work.

29 Claims relating to incomplete work, defective work or vandalism or forcible removal of built work—work not substantially complete

- (1) The maximum amount the commission may pay for all claims mentioned in the incomplete work provisions in relation to residential construction work that is not substantially complete is—
 - (a) if optional additional cover is in force for the work—\$300,000; or
 - (b) if paragraph (a) does not apply—\$200,000.
- (2) However, the commission must not pay more than the following for any 1 living unit for which the residential construction work was carried out—
 - (a) if optional additional cover is in force for the work—
 - (i) for all claims mentioned in sections 9 and 20—\$10,000 divided by the number of living units for which the work was carried out; and
 - (ii) for all claims mentioned in the incomplete work provisions—\$300,000 divided by the number of living units for which the work was carried out;
 - (b) if paragraph (a) does not apply—
 - (i) for all claims mentioned in sections 9 and 20—\$5,000 divided by the number of living units for which the work was carried out; and

- (ii) for all claims mentioned in the incomplete work provisions—\$200,000 divided by the number of living units for which the work was carried out.
- (3) Also, the amount the commission may pay for the common property for a community titles scheme for all claims mentioned in the incomplete work provisions in relation to the residential construction work—
- (a) must not be more than the maximum amount stated in section 32 for the residential construction work; and
 - (b) must be apportioned between each living unit for which the residential construction work was carried out in proportion to the living unit's interest schedule lot entitlement.
- (4) The amount apportioned for a living unit under subsection (3)(b) is counted for calculating the amount mentioned in subsection (2)(a)(ii) or (b)(ii).

Example—

Residential construction work is carried out for a duplex in a community titles scheme. Under subsection (3), \$9,000 is apportioned to each residential unit in the duplex as a result of a claim for the common property for the scheme. The maximum amount the commission may pay under subsection (2)(b)(ii) for each residential unit is \$91,000.

30 Claims for fire, storm or tempest—work not substantially complete

- (1) The maximum amount the commission may pay for all claims mentioned in section 10 (as a result of a defined event that is a fire, storm or tempest) in relation to residential construction work that is not substantially complete is—
- (a) if optional additional cover is in force for the work—\$300,000; or
 - (b) if paragraph (a) does not apply—\$200,000.
- (2) However, the commission must not pay more than the following for any 1 living unit for which the residential construction work was carried out—

- (a) if optional additional cover is in force for the work—
\$300,000 divided by the number of living units for which the work was carried out;
 - (b) if paragraph (a) does not apply—\$200,000 divided by the number of living units for which the work was carried out.
- (3) Also, the amount the commission may pay for the common property for a community titles scheme for all claims mentioned in section 10 (as a result of a defined event that is a fire, storm or tempest) in relation to the residential construction work—
- (a) must not be more than the maximum amount stated in section 32 for the residential construction work; and
 - (b) must be apportioned between each living unit for which the residential construction work was carried out in proportion to the living unit's interest schedule lot entitlement.
- (4) The amount apportioned for a living unit under subsection (3)(b) is counted for calculating the amount mentioned in subsection (2)(a) or (b).

31 Claims relating to defective work—work substantially complete

- (1) The maximum amount the commission may pay for all claims mentioned in sections 15 and 20 in relation to residential construction work that is substantially complete is—
- (a) if optional additional cover is in force for the work—
\$300,000 multiplied by the number of living units for which the work was carried out; or
 - (b) if paragraph (a) does not apply—\$200,000 multiplied by the number of living units for which the work was carried out.
- (2) However, the commission must not pay more than the following for any 1 living unit for which the residential construction work was carried out—

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- (a) if optional additional cover is in force for the work—
 - (i) for all claims mentioned in section 20—\$10,000; and
 - (ii) for all claims mentioned in sections 15 and 20—\$300,000;
 - (b) if paragraph (a) does not apply—
 - (i) for all claims mentioned in section 20—\$5,000; and
 - (ii) for all claims mentioned in sections 15 and 20—\$200,000.
- (3) Also, the amount the commission may pay for the common property for a community titles scheme for all claims mentioned in sections 15 and 20 in relation to the residential construction work—
- (a) must not be more than the maximum amount mentioned in section 32 for the residential construction work; and
 - (b) must be apportioned between each living unit for which the work was carried out in proportion to the living unit's interest schedule lot entitlement.
- (4) The amount apportioned for a living unit under subsection (3)(b) is counted for calculating the amount mentioned in subsection (2)(a)(ii) or (b)(ii).

32 Common property limit

- (1) The maximum amount the commission may pay for the common property for a community titles scheme for the total of all claims mentioned in sections 7, 9, 10, 15 and 20 in relation to the residential construction work is—
- (a) if optional additional cover is in force for the work—the lesser of the following—
 - (i) \$300,000 multiplied by the number of living units for which the work was carried out;
 - (ii) \$1.3m; or

- (b) if paragraph (a) does not apply—the lesser of the following—
 - (i) \$200,000 multiplied by the number of living units for which the work was carried out;
 - (ii) \$1m.
- (2) The amount mentioned in subsection (1) applies regardless of whether the residential construction work is substantially complete or not substantially complete.

Example—

Residential construction work is carried out for a duplex in a community titles scheme. Before the work is substantially complete, the commission pays \$50,000 for the common property for the scheme for a claim in relation to the work. After the work is substantially complete, the maximum amount remaining that the commission may pay for the common property in relation to the work is \$350,000 (if optional additional cover is not in force for the work).

Division 4 Work to which section 26H of the regulation applied

33 Application of division

This division states the maximum amount the commission may pay for all claims relating to residential construction work if section 26H of the regulation applied for calculating the insurable value of the work.

34 Claims relating to incomplete work, defective work or vandalism or forcible removal of built work—work not substantially complete

- (1) The maximum amount the commission may pay for all claims mentioned in the incomplete work provisions in relation to residential construction work that is not substantially complete is—
 - (a) if optional additional cover is in force for the work—\$300,000 multiplied by the number of living units for which the work was carried out; or

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- (b) if paragraph (a) does not apply—\$200,000 multiplied by the number of living units for which the work was carried out.
- (2) However, the commission must not pay more than the following for any 1 living unit for which the residential construction work was carried out—
- (a) if optional additional cover is in force for the work—
 - (i) for all claims mentioned in sections 9 and 20—\$10,000; and
 - (ii) for all claims mentioned in the incomplete work provisions—\$300,000;
 - (b) if paragraph (a) does not apply—
 - (i) for all claims mentioned in sections 9 and 20—\$5,000; and
 - (ii) for all claims mentioned in the incomplete work provisions—\$200,000.
- (3) Also, the amount the commission may pay for the common property for a community titles scheme for all claims mentioned in the incomplete work provisions in relation to the residential construction work—
- (a) must not be more than the maximum amount stated in section 37 for the residential construction work; and
 - (b) must be apportioned equally between each living unit for which the residential construction work was carried out.
- (4) The amount apportioned for a living unit under subsection (3)(b) is counted for calculating the amount mentioned in subsection (2)(a)(ii) or (b)(ii).

35 Claims for fire, storm or tempest—work not substantially complete

- (1) The maximum amount the commission may pay for all claims mentioned in section 10 (as a result of a defined event that is a

fire, storm or tempest) in relation to residential construction work that is not substantially complete is—

- (a) if optional additional cover is in force for the work—
\$300,000 multiplied by the number of living units for which the work was carried out; or
 - (b) if paragraph (a) does not apply—\$200,000 multiplied by the number of living units for which the work was carried out.
- (2) However, the commission must not pay more than the following for any 1 living unit for which the residential construction work was carried out—
- (a) if optional additional cover is in force for the work—
\$300,000;
 - (b) if paragraph (a) does not apply—\$200,000.
- (3) Also, the amount the commission may pay for the common property for a community titles scheme for all claims mentioned in section 10 (as a result of a defined event that is a fire, storm or tempest) in relation to the residential construction work—
- (a) must not be more than the maximum amount stated in section 37 for the residential construction work; and
 - (b) must be apportioned equally between each living unit for which the residential construction work was carried out.
- (4) The amount apportioned for a living unit under subsection (3)(b) is counted for calculating the amount mentioned in subsection (2)(a) or (b).

36 Claims relating to defective work—work substantially complete

- (1) The maximum amount the commission may pay for all claims mentioned in sections 15 and 20 in relation to residential construction work that is substantially complete is—

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- (a) if optional additional cover is in force for the work—
\$300,000 multiplied by the number of living units for which the work was carried out; or
 - (b) if paragraph (a) does not apply—\$200,000 multiplied by the number of living units for which the work was carried out.
- (2) However, the commission must not pay more than the following for any 1 living unit for which the residential construction work was carried out—
- (a) if optional additional cover is in force for the work—
 - (i) for all claims mentioned in section 20—\$10,000; and
 - (ii) for all claims mentioned in sections 15 and 20—\$300,000;
 - (b) if paragraph (a) does not apply—
 - (i) for all claims mentioned in section 20—\$5,000; and
 - (ii) for all claims mentioned in sections 15 and 20—\$200,000.
- (3) Also, the amount the commission may pay for the common property for a community titles scheme for all claims mentioned in sections 15 and 20 in relation to the residential construction work—
- (a) must not be more than the maximum amount mentioned in section 37 for the residential construction work; and
 - (b) must be apportioned equally between each living unit for which the work was carried out.
- (4) The amount apportioned for a living unit under subsection (3)(b) is counted for calculating the amount mentioned in subsection (2)(a)(ii) or (b)(ii).

37 Common property limit

- (1) The maximum amount the commission may pay for the common property for a community titles scheme for the total

of all claims mentioned in sections 7, 9, 10, 15 and 20 in relation to residential construction work is—

- (a) if optional additional cover is in force for the work—the lesser of the following—
 - (i) \$300,000 multiplied by the number of living units for which the work was carried out;
 - (ii) \$1.3m; or
 - (b) if paragraph (a) does not apply—the lesser of the following—
 - (i) \$200,000 multiplied by the number of living units for which the work was carried out;
 - (ii) \$1m.
- (2) The amount mentioned in subsection (1) applies regardless of whether the residential construction work is substantially complete or not substantially complete.

Division 5 Work for particular buildings

38 Application of division

This division states the maximum amount the commission may pay for all claims relating to residential construction work if the work was for any of the following buildings or any combination of the following buildings—

- (a) 1 single detached dwelling;
- (b) a related roofed building;
- (c) a swimming pool, other than a swimming pool that is in or on a duplex or multiple dwelling.

39 Claims relating to incomplete work, defective work or vandalism or forcible removal of built work—work not substantially complete

- (1) This section applies to the residential construction work if the work is not substantially complete.

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- (2) The maximum amount the commission may pay for all claims mentioned in the incomplete work provisions in relation to the residential construction work is—
 - (a) if optional additional cover is in force for the work—\$300,000; or
 - (b) if paragraph (a) does not apply—\$200,000.
 - (3) However, for all claims mentioned in sections 9 and 20, the commission must not pay more than—
 - (a) if optional additional cover is in force for the work—\$10,000; or
 - (b) if paragraph (a) does not apply—\$5,000.

40 Claims for fire, storm or tempest—work not substantially complete

- (1) This section applies to the residential construction work if the work is not substantially complete.
- (2) The maximum amount the commission may pay for all claims mentioned in section 10 (as a result of a defined event that is a fire, storm or tempest) in relation to the residential construction work is—
 - (a) if optional additional cover is in force for the work—\$300,000; or
 - (b) if paragraph (a) does not apply—\$200,000.

41 Claims relating to defective work—work substantially complete

- (1) This section applies to the residential construction work if the work is substantially complete.
- (2) The maximum amount the commission may pay for all claims mentioned in sections 15 and 20 in relation to the residential construction work is—
 - (a) if optional additional cover is in force for the work—\$300,000; or

- (b) if paragraph (a) does not apply—\$200,000.
- (3) However, for all claims mentioned in section 20 in relation to the residential construction work, the commission must not pay more than—
 - (a) if optional additional cover is in force for the work—\$10,000; or
 - (b) if paragraph (a) does not apply—\$5,000.

Division 6 Other work

42 Application of division

This division states the maximum amount the commission may pay for all claims relating to residential construction work if divisions 2 to 5 do not apply in relation to the work.

43 Claims relating to incomplete work, defective work or vandalism or forcible removal of built work—work not substantially complete

- (1) This section applies to the residential construction work if the work is not substantially complete.
- (2) The maximum amount the commission may pay for all claims mentioned in the incomplete work provisions in relation to the residential construction work is—
 - (a) if optional additional cover is in force for the work—\$300,000; or
 - (b) if paragraph (a) does not apply—\$200,000.
- (3) However, the commission must not pay more than the following for any 1 living unit for which the residential construction work was carried out—
 - (a) if optional additional cover is in force for the work—
 - (i) for all claims mentioned in sections 9 and 20—\$10,000 divided by the number of living units for which the work was carried out; and

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- (ii) for all claims mentioned in the incomplete work provisions—\$300,000 divided by the number of living units for which the work was carried out;
 - (b) if paragraph (a) does not apply—
 - (i) for all claims mentioned in sections 9 and 20—\$5,000 divided by the number of living units for which the work was carried out; and
 - (ii) for all claims mentioned in the incomplete work provisions—\$200,000 divided by the number of living units for which the work was carried out.
 - (4) Also, the amount the commission may pay for the common property for a community titles scheme for all claims mentioned in the incomplete work provisions in relation to the residential construction work—
 - (a) must not be more than the maximum amount stated in section 46 for the residential construction work; and
 - (b) must be apportioned between each living unit for which the residential construction work was carried out in proportion to the living unit's interest schedule lot entitlement.
 - (5) The amount apportioned for a living unit under subsection (4)(b) is counted for calculating the amount mentioned in subsection (3)(a)(ii) or (b)(ii).

44 Claims for fire, storm or tempest—work not substantially complete

- (1) This section applies to the residential construction work if the work is not substantially complete.
- (2) The maximum amount the commission may pay for all claims mentioned in section 10 (as a result of a defined event that is a fire, storm or tempest) in relation to residential construction work is—
 - (a) if optional additional cover is in force for the work—\$300,000; or
 - (b) if paragraph (a) does not apply—\$200,000.

- (3) However, the commission must not pay more than the following for any 1 living unit for which the residential construction work was carried out—
 - (a) if optional additional cover is in force for the work—\$300,000 divided by the number of living units for which the work was carried out;
 - (b) if paragraph (a) does not apply—\$200,000 divided by the number of living units for which the work was carried out.
- (4) Also, the amount the commission may pay for the common property for a community titles scheme for all claims mentioned in section 10 (as a result of a defined event that is a fire, storm or tempest) in relation to the residential construction work—
 - (a) must not be more than the maximum amount stated in section 46 for the residential construction work; and
 - (b) must be apportioned between each living unit for which the residential construction work was carried out in proportion to the living unit's interest schedule lot entitlement.
- (5) The amount apportioned for a living unit under subsection (4)(b) is counted for calculating the amount mentioned in subsection (3)(a) or (b).

45 Claims relating to defective work—work substantially complete

- (1) This section applies to the residential construction work if the work is substantially complete.
- (2) The maximum amount the commission may pay for all claims mentioned in sections 15 and 20 in relation to the residential construction work is—
 - (a) if optional additional cover is in force for the work—\$300,000; or
 - (b) if paragraph (a) does not apply—\$200,000.

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- (3) However, the commission must not pay more than the following for any 1 living unit for which the residential construction work was carried out—
- (a) if optional additional cover is in force for the work—
 - (i) for all claims mentioned in section 20—\$10,000 divided by the number of living units for which the work was carried out; and
 - (ii) for all claims mentioned in sections 15 and 20—\$300,000 divided by the number of living units for which the work was carried out;
 - (b) if paragraph (a) does not apply—
 - (i) for all claims mentioned in section 20—\$5,000 divided by the number of living units for which the work was carried out; and
 - (ii) for all claims mentioned in sections 15 and 20—\$200,000 divided by the number of living units for which the work was carried out.
- (4) Also, the amount the commission may pay for the common property for a community titles scheme for all claims mentioned in sections 15 and 20 in relation to the residential construction work—
- (a) must not be more than the maximum amount stated in section 46 for the residential construction work; and
 - (b) must be apportioned between each living unit for which the residential construction work was carried out in proportion to the living unit's interest schedule lot entitlement.
- (5) The amount apportioned for a living unit under subsection (4)(b) is counted for calculating the amount mentioned in subsection (3)(a)(ii) or (b)(ii).

46 Common property limit

- (1) The maximum amount the commission may pay for the common property for a community titles scheme for the total

of all claims mentioned in sections 7, 9, 10, 15 and 20 in relation to residential construction work is—

- (a) if optional additional cover is in force for the residential construction work—\$300,000; or
 - (b) if paragraph (a) does not apply—\$200,000.
- (2) The amount mentioned in subsection (1) applies regardless of whether the residential construction work is substantially complete or not substantially complete.

Division 7 Maximum liability

47 Total maximum liability if work not started

The total maximum amount the commission may pay for all claims mentioned in section 5 relating to residential construction work is—

- (a) if optional additional cover is in force for the work—\$300,000; or
- (b) if paragraph (a) does not apply—\$200,000.

48 Total maximum liability if work started

- (1) This section states the total maximum amount the commission may pay for all claims mentioned in sections 7, 9, 10, 15 and 20 relating to residential construction work.
- (2) For residential construction work that includes the erection or construction of a multiple dwelling, the commission must not pay more than the following amount for each living unit for which the work was carried out—
 - (a) if optional additional cover is in force for the work—\$300,000;
 - (b) if paragraph (a) does not apply—\$200,000.
- (3) For residential construction work, other than work mentioned in subsection (2), for which section 26F of the regulation applied for calculating the insurable value of the work, the

commission must not pay more than the following amount for each living unit for which the work was carried out—

- (a) if optional additional cover is in force for the work—
\$900,000;
 - (b) if paragraph (a) does not apply—\$600,000.
- (4) For residential construction work that is not substantially complete and for which section 26G of the regulation applied for calculating the insurable value of the work, the commission must not pay more than—
- (a) if optional additional cover is in force for the work—
\$900,000; or
 - (b) if paragraph (a) does not apply—\$400,000.
- (5) For residential construction work that is substantially complete and for which section 26G of the regulation applied for calculating the insurable value of the work, the commission must not pay more than the following amount for each living unit for which the work was carried out—
- (a) if optional additional cover is in force for the work—
\$300,000;
 - (b) if paragraph (a) does not apply—\$200,000.
- (6) For residential construction work that includes building work for 2 detached dwellings if section 26H of the regulation applied for calculating the insurable value of the work, the commission must not pay more than the following amount for each living unit for which the work was carried out—
- (a) if optional additional cover is in force for the work—
\$900,000;
 - (b) if paragraph (a) does not apply—\$600,000.
- (7) For residential construction work that includes building work for 3 or more detached dwellings if section 26H of the regulation applied for calculating the insurable value of the work, the commission must not pay more than the following amount for each living unit for which the work was carried out—

work, the reasonable cost the consumer is entitled to claim for the work does not include the cost of replacing undamaged parts of the work or adjoining building to create a uniform appearance.

51 Cost for certificates

- (1) The reasonable cost the consumer is entitled to claim for the work includes the reasonable cost of—
 - (a) obtaining a certificate in relation to the work; and
 - (b) any inspections of the built work required for obtaining the certificate.
- (2) However, subsection (1) does not apply to a certificate in relation to work carried out in whole or part by the licensed contractor who carried out the residential construction work for which the consumer is entitled to claim assistance.
- (3) In this section—

certificate means any of the following—

 - (a) a certificate of classification under the *Building Act 1975*, schedule 2;
 - (b) a certificate of inspection under the *Building Regulation 2006*, schedule 4;
 - (c) a final inspection certificate under the *Building Act 1975*, section 10(d)(ii).

52 Input tax credits and GST

- (1) The reasonable cost the consumer is entitled to claim for the work—
 - (a) must be reduced by the amount of any input tax credits the commission is satisfied the consumer is entitled to claim in relation to the work for which the reasonable costs are claimed; and
 - (b) does not include any GST payable for a supply made, or that may be made, by the consumer.

- (2) In being satisfied under subsection (1)(a), the commission may have regard to any matter the commission considers relevant in deciding whether the work for which the reasonable costs are claimed will relate to a taxable supply or an input taxed supply, including, for example—
- (a) whether the consumer is registered for the GST; and
 - (b) the enterprise carried on by the consumer; and
 - (c) the way in which the consumer is likely to deal with the residential construction work.

- (3) In this section—

enterprise see the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth), section 9-20.

input tax credit see the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth), section 195-1.

input taxed supply means a supply that is input taxed under the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth).

registered, for GST, means registered under the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth).

taxable supply see the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth), section 9-5.

Division 2 No entitlement to assistance in particular circumstances

53 Loss caused or contributed to by particular matters

- (1) A consumer for residential construction work is not entitled to claim assistance for loss caused or contributed to by any of the following—
- (a) the defective design of built work if—
 - (i) for residential construction work for a multiple dwelling—the consumer contracted with someone,

-
- other than the licensed contractor who carried out the work, for the design; or
- (ii) otherwise—the design was prepared by someone other than an engineer, an architect, a building designer or the licensed contractor who carried out the work;
- (b) the gradual deterioration of the built work caused by fair wear and tear or by the lack of maintenance or neglect of the work by the consumer;
 - (c) the failure of any person, other than the following, to undertake reasonable maintenance, inspection and treatment or to carry out the reasonable written recommendations given to the person by the commission—
 - (i) the licensed contractor who carried out the work;
 - (ii) an employee, subcontractor, supplier or invitee of the licensed contractor;
 - (d) pressure waves caused by an aircraft or another aerial device;
 - (e) earthquake, erosion, flood, landslip, tidal wave or change of watercourse;
 - (f) failure of an artificial device for the storage or conveyance of water or gas unless the construction of the device is part of the contract for carrying out the work;
 - (g) accidental damage, other than as a result of a failure by the licensed contractor who carried out the work, or an employee or subcontractor of the licensed contractor, to take proper care and skill in carrying out the residential construction work;
 - (h) a defective product;
 - (i) the act or omission of a third party, unless the loss is also caused or contributed to by the following—

- (i) the licensed contractor who carried out the residential construction work or a subcontractor, supplier or invitee of the licensed contractor;
 - (ii) an engineer, architect or building designer for the work;
 - (j) a terrorist act regardless of any other cause or event contributing at any time to the loss;
 - (k) any action in controlling, preventing, suppressing, retaliating against or responding to a terrorist act.
- (2) Also, a consumer for residential construction work is not entitled to claim assistance in relation to public or legal liability for the payment of compensation relating to death, bodily injury or illness of any person.

(3) In this section—

building designer means a licensee who holds a licence of a class mentioned in schedule 2, parts 11 to 13.

third party means a person other than the following—

- (a) the licensed contractor who carried out the residential construction work or a subcontractor, supplier or invitee of the licensed contractor;
- (b) an engineer, architect or building designer for the work.

54 Electronic data

- (1) A consumer for residential construction work is not entitled to claim assistance in relation to the following—
- (a) the destruction, distortion, erasure, corruption, alteration, misinterpretation or misappropriation, in whole or in part, of electronic data;
 - (b) an error in creating, amending, entering, deleting or using electronic data;
 - (c) the inability or failure, in whole or in part, of the consumer to access, receive, send or use electronic data for any period as a result of any cause.

(2) In this section—

electronic data—

- (a) means facts, concepts or information converted to a form usable for communications, display, distribution, interpretation or processing by electronic and electromechanical processing or electronically controlled equipment; and
- (b) includes programs, software and other coded instructions for the equipment.

55 Appliances

(1) This section applies if—

- (a) an electrical appliance is supplied as part of the contract for carrying out residential construction work; and
- (b) as part of the contract the electrical appliance will not be permanently fixed to any of the following on which the residential construction work is or is proposed to be carried out—
 - (i) a residence;
 - (ii) a related roofed building;
 - (iii) land.

(2) The consumer for the work is not entitled to claim assistance for loss suffered in relation to the electrical appliance.

(3) In this section—

electrical appliance means an instrument, apparatus or device that is connected to an electricity supply by means of a flexible cord plug and socket outlet.

56 Work covered by insurance policy

(1) This section applies if loss suffered in relation to residential construction work is covered by the statutory insurance scheme and an insurance policy.

- (2) The consumer for the work is not entitled to claim assistance for the work to the extent the work is covered by the insurance policy.
- (3) Subsection (2) applies regardless of whether the consumer makes a claim under the insurance policy.
- (4) In this section—
insurance policy does not include cover under the statutory insurance scheme.

57 Release from liability or provision of indemnity

- (1) This section applies if a consumer for residential construction work—
 - (a) releases the licensed contractor who carries out the work, or another person, from liability for all or part of the work; or
 - (b) indemnifies the licensed contractor who carries out the work, or another person, in relation to all or part of the work.
- (2) The consumer is not entitled to claim assistance for the work to the extent the consumer has released the licensed contractor or other person from liability for the work or indemnified the licensed contractor or other person in relation to the work.

58 Access to assess claim

A consumer for residential construction work is not entitled to claim assistance if the consumer unreasonably refuses the commission access to the built work for the purposes of assessing a claim for the work.

59 Defect in work apparent before work substantially complete

A consumer for residential construction work is not entitled to claim assistance in relation to a defect in the work if—

- (a) the residential construction work is substantially complete; and
- (b) the defect was apparent, or ought reasonably to have been apparent, to the consumer before the work was substantially complete.

60 Work damaged, defective or destroyed before purchase

- (1) This section applies if—
 - (a) a person purchases land, or a manufactured home, on or for which residential construction work has been carried out; and
 - (b) before completing the contract for the purchase of the land or manufactured home, the person knew or ought reasonably to have known the built work was damaged, defective or destroyed.
- (2) The person is not entitled to claim assistance in relation to the following—
 - (a) the damage, defect or destruction;
 - (b) any damage resulting from the damage, defect or destruction.
- (3) In this section—

land includes a lot or common property in a community titles scheme.

61 Work no longer covered by statutory insurance scheme

- (1) This section applies if—
 - (a) when residential construction work is carried out, the work is covered under the statutory insurance scheme; and
 - (b) the work is defective or incomplete; and
 - (c) when a claim for assistance is made, building work carried out on or for the built work would not be covered

under the statutory insurance scheme because of section 67WB of the Act.

- (2) The consumer for the residential construction work is not entitled to claim assistance for the work.

Example of work for which the consumer is not able to claim assistance—

work on a residence that is converted to a boarding house after the work is carried out but before a claim for assistance is made

62 Cost of delay entering into contract

- (1) This section applies if the commission gives a consumer for residential construction work written notice about the approval for a licensed contractor to—
- (a) complete residential construction work as mentioned in section 7(1); or
 - (b) carry out reinstatement work; or
 - (c) carry out rectification work.
- (2) The consumer is not entitled to claim assistance for loss that would not have been suffered if the consumer entered into the contract with the licensed contractor within 28 days after receiving the notice.

63 Work covered by payment in settlement of claim

- (1) The commission is not liable to make a payment for a matter the subject of a claim under the statutory insurance scheme relating to residential construction work if the commission has already made a payment for the same matter relating to the work in settlement of the matter.
- (2) However, subsection (1) does not apply if—
- (a) the payment previously made by the commission was made to a licensed contractor to perform work to rectify the matter; and
 - (b) the work was carried out in the way approved by the commission but did not rectify the matter.

64 Demolition, rectification or reinstatement without approval

- (1) A consumer for residential construction work is not entitled to claim assistance in relation to the work if the consumer does any of the following without the prior written approval of the commission—
- (a) demolishes the built work;
 - (b) rectifies the work;
 - (c) reinstates the built work.

Note—

See section 67(2).

- (2) In this section—

approval does not include the following—

- (a) a decision of the commission about the scope of works to be carried out to rectify residential construction work or reinstate built work;
- (b) a decision of the commission to grant an application for an owner-builder permit.

Part 6 Claims

65 Claim for assistance

- (1) This section prescribes the requirements for section 71C of the Act.
- (2) For a claim for assistance mentioned in section 5 or 7, the notice of the claim must include the following—
- (a) either—
 - (i) a copy of the contract for the residential construction work the subject of the claim, including any variations to the contract; or
 - (ii) if a copy of the contract is not available—written evidence of the existence of a contract for the

- carrying out of the work, and any variations to the contract;
- (b) if the contract for the work is validly terminated as mentioned in section 4(1)(a)—evidence that the contract has been validly terminated;
 - (c) evidence of all payments made in relation to the work;
 - (d) a copy of any plans or specifications for the work.
- (3) For a claim for assistance mentioned in section 10(2) relating to vandalism or forcible removal of built work, the notice of the claim must include evidence the consumer reported the vandalism or forcible removal to the Queensland Police Service.
- (4) If, for a claim for defective work, the consumer is required to give notice under section 66, the notice of the claim must include evidence that the consumer has complied with section 66.
- (5) For all claims, the notice of the claim must be in writing and include any other information the commission reasonably requires to decide the claim.

66 Notice of claim to licensed contractor

- (1) This section applies if a consumer for residential construction work that is substantially complete decides to make a claim under the statutory insurance scheme in relation to the work.
- (2) The consumer must—
- (a) serve a notice about the facts and circumstances giving rise to the claim on the licensed contractor who carried out the work; and
 - (b) give the licensed contractor a reasonable period stated in the notice to rectify the work.
- (3) However, subsection (2) does not apply if—
- (a) the licensed contractor dies; or
 - (b) the licensed contractor is a company and the company no longer exists; or

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- (c) both of the following apply—
- (i) the licensed contractor is bankrupt or insolvent, or takes advantage of the laws of bankruptcy as a debtor under the *Bankruptcy Act 1966* (Cwlth) or a similar law of a foreign jurisdiction;
 - (ii) the licensed contractor's licence is cancelled.
- (4) The commission must not decide to allow or disallow the claim until after the end of the reasonable period stated in the notice given to the licensed contractor.
- (5) This section does not prevent the consumer from making the claim under the statutory insurance scheme before the end of the reasonable period stated in the notice given to the licensed contractor.

67 Direction to rectify before making decision on claim

- (1) This section applies if—
- (a) the commission is given notice of a claim for assistance; and
 - (b) the commission is of the opinion the residential construction work the subject of the claim is defective or incomplete.
- (2) Before deciding to allow or disallow the claim, the commission must decide whether to give a direction to rectify or remedy the work under section 72 of the Act.

68 Time for complying with direction to end before making decision on claim

- (1) This section applies if the commission gives a direction to rectify residential construction work under section 72 of the Act.
- (2) The commission must not make a decision to allow or disallow a claim under the statutory insurance scheme in relation to the work until the period for complying with the direction has ended.

- (3) However, the commission may make a decision to allow or disallow the claim before the period for complying with the direction has ended if—
- (a) the licensed contractor dies; or
 - (b) the licensed contractor is a company and the company no longer exists; or
 - (c) both of the following apply—
 - (i) the licensed contractor is bankrupt or insolvent, or takes advantage of the laws of bankruptcy as a debtor under the *Bankruptcy Act 1966* (Cwlth) or a similar law of a foreign jurisdiction;
 - (ii) the licensed contractor's licence is cancelled.

69 Notice of approval of claim

- (1) If the commission decides to allow or disallow a claim under the statutory insurance scheme, the commission must, as soon as practicable after making the decision, give written notice of the decision to—
- (a) the person making the claim; and
 - (b) the licensed contractor who carried out the residential construction work the subject of the claim.
- (2) The notice given to the person making the claim must also include the reasons for the decision.

70 Consumer to act in good faith

- (1) A consumer for residential construction work has a duty to the commission to act in good faith in relation to a claim for assistance.

Example of acting in good faith—

disclosing to the commission any matter the consumer knows, or ought reasonably to know, is relevant to the commission making a decision on the claim

- (2) Subsection (3) applies if the commission makes a payment on a claim under the statutory insurance scheme and the

consumer making the claim has not acted in good faith in relation to the claim.

- (3) The commission may recover, as a debt, from the consumer the amount by which the payment exceeds the amount the commission would have paid if the consumer had acted in good faith in relation to the claim.

71 Payment of claim for demolishing work

- (1) This section applies if the commission allows a claim for assistance mentioned in section 7(3).
- (2) The commission must not pay an amount under section 7(3)(b) until the built work the subject of the claim has been demolished.

72 Priority of payment on claim

- (1) This section applies if the commission allows a claim for assistance in relation to residential construction work for 2 or more detached dwellings, or a duplex or multiple dwelling, in a community titles scheme.
- (2) The commission must pay the claim in the following priority—
 - (a) firstly, for work for the common property for which the residential construction work the subject of the claim was carried out;
 - (b) secondly, for any building work reasonably required to be carried out to the detached dwellings, or a residential unit in the duplex or multiple dwelling, as a consequence of the work for the common property;
 - (c) thirdly, for work for the detached dwellings, or a residential unit in the duplex or multiple dwelling, for which the residential construction work the subject of the claim was carried out.

73 Way of making payment on claim

- (1) If the commission allows a claim for assistance, the commission must pay the claim in 1 or more of the following ways decided by the commission—
 - (a) pay all or part of the claim to the licensed contractor, approved by the commission, who has contracted with the consumer making the claim to—
 - (i) carry out work the subject of the claim; or
 - (ii) demolish the built work as mentioned in section 7(3)(a);
 - (b) pay all or part of the claim to the licensed contractor appointed by the commission to—
 - (i) carry out work the subject of the claim; or
 - (ii) demolish the built work as mentioned in section 7(3)(a);
 - (c) pay all or part of the claim to the consumer making the claim;
 - (d) if the claim is in relation to work on a building in a community titles scheme and the commission is satisfied the consumer making the claim owes a contribution or levy to the body corporate for the community titles scheme under the *Body Corporate and Community Management Act 1997*—pay all or part of the claim to the body corporate to the extent necessary to cover the amount owed by the consumer to the body corporate;
 - (e) if the consumer making the claim is a body corporate and the body corporate gives the commission a signed notice requesting all or part of the claim to be paid to 1 or more lot owners—pay all or part of the claim to 1 or more of the lot owners as stated in the notice.
- (2) However, the commission may decide not to make a payment under subsection (1)(a) to a licensed contractor if the consumer—

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- (a) has a retention amount under the contract for the residential construction work the subject of the claim; and
 - (b) has not paid the retention amount to the licensed contractor.
- (3) In this section—
- retention amount***, for a contract, means an amount—
- (a) payable as part of the contract price that, under the contract, may be withheld from payment to the licensed contractor—
 - (i) during the progress of the residential construction work the subject of the contract; or
 - (ii) for a period after the completion of the residential construction work the subject of the contract; or
 - (iii) both during the progress of the residential construction work the subject of the contract and for a period after the completion of the residential construction work the subject of the contract; and
 - (b) withheld for the purpose of giving financial protection to the consumer in relation to the need to correct defects in the residential construction work, or otherwise to secure, wholly or partly, the performance of the contract.

74 Payment of claim includes tax

If the commission makes a payment on a claim under the statutory insurance scheme, the payment is inclusive of any tax payable on the amount paid.

Schedule 3 Dictionary

section 3

allowable annual turnover, for an applicant for a licence or a licensee, means the allowable annual turnover calculated for the applicant or licensee under the board's policies.

approved managerial qualification, for an individual applying for a contractor's or nominee supervisor's licence, means—

- (a) Establish legal and risk management requirements of small business BSBSMB401 provided by a registered training organisation; or
- (b) another course provided by a registered training organisation that the commission considers is at least equivalent to the course mentioned in paragraph (a).

builder contractor's licence means—

- (a) a licence of a class mentioned in schedule 2, parts 4 to 10; or
- (b) a licence of one of the following continuing classes—
 - (i) building restricted to alterations and additions;
 - (ii) building restricted to external finishes;
 - (iii) building restricted to building removal;
 - (iv) building restricted to renovations, repairs and maintenance;
 - (v) building restricted to repairs and maintenance;
 - (vi) building restricted to non-structural renovations.

building certifier see the *Building Act 1975*, section 8.

Building Code of Australia see the *Building Act 1975*, section 12.

built work, for schedule 2C, see schedule 2C, section 2.

certify means—

- (a) for schedule 2, parts 21 to 30B and schedule 2A—to give advice or a report, including a certificate, stating that a fire protection system complies with Australian and international standards, Building Code of Australia requirements and manufacturer's specifications after conducting a survey of the system; and
- (b) for schedule 2, part 6—to give advice or a report, including a certificate.

class, for a building, means the class for the building under the Building Code of Australia.

common property see the *Body Corporate and Community Management Act 1997*, section 10.

Commonwealth Games village see the *Economic Development Act 2012*, section 145(4).

community organisation means an organisation formed to promote the interests of a particular community or community group.

community titles scheme see the *Body Corporate and Community Management Act 1997*, section 10.

Construction Skills Queensland means BCITF (Qld) Limited ACN 105 495 387 (trading as Construction Skills Queensland).

continuing classes see section 43(1).

defective work, for schedule 2C, see schedule 2C, section 14.

defined event, for schedule 2C, see schedule 2C, section 2.

design licence means a licence of a class mentioned in schedule 2, parts 11 to 13 and 35.

detached dwelling means a residence that is a single detached dwelling or manufactured home.

drainer—on-site sewerage facility licence, for schedule 2, part 19A, see schedule 2, part 19A, section 6.

duplex means a building comprising only 2 residential units.

electrical mechanic licence means—

- (a) an electrical mechanic licence issued under the *Electrical Safety Regulation 2002*; or
- (b) an electrical contractor licence issued under the *Electrical Safety Regulation 2002*, if the person the licence was issued to, previously held an electrical mechanic licence.

ends, for a fixed price residential contract, for schedule 2C, see schedule 2C, section 4.

existing licence—

- (a) for part 7, division 2, see section 37; or
- (b) for part 7, division 4, see section 47; or
- (c) for part 7, division 5, see section 54.

fire, for schedule 2C, see schedule 2C, section 2.

fire protection licence means a licence of a class mentioned in schedule 2, parts 21 to 30B and schedule 2A.

fixed price residential contract, for schedule 2C, see schedule 2C, section 3.

forcible removal, of built work, for schedule 2C, see schedule 2C, section 2.

gas system, for schedule 2, part 33, see schedule 2, part 33, section 6.

gas work, for schedule 2, part 33, see schedule 2, part 33, section 6.

gas work authorisation, for schedule 2, part 33, see schedule 2, part 33, section 6.

gas work licence, for schedule 2, part 33, see schedule 2, part 33, section 6.

general repair means a repair other than a repair carried out in connection with the preparation of a record of maintenance.

incomplete work provisions, for schedule 2C, see schedule 2C, section 2.

insolvent, for schedule 2C, see schedule 2C, section 2.

inspect and test, for schedule 2, parts 21 to 30B, schedule 2A and schedule 2B, means—

- (a) to inspect by visual examination the components of fire protection systems or equipment to establish correct settings, physical condition or fitness for purpose; and
- (b) to test, after inspecting, by the confirmation of correct function or performance of a component or system.

install, for schedule 2, parts 21 to 30B, schedule 2A and schedule 2B, means—

- (a) place a fire protection system in position ready for use; or
- (b) restore a fire protection system to its original operating specifications; or
- (c) alter a fire protection system; or
- (d) provide an installer's statement in relation to the work mentioned in paragraphs (a) to (c).

installer's statement, for schedule 2, parts 21 to 30B, schedule 2A and schedule 2B, means a statement about the installation of a fire protection system.

insurance information statement, about land or a manufactured home, means a written statement about—

- (a) whether cover under the statutory insurance scheme is in force for residential construction work relating to the land or manufactured home; and
- (b) if cover under the statutory insurance scheme is in force—whether a claim has been made under the scheme and any amount paid on the claim.

interest schedule lot entitlement, for schedule 2C, see the *Body Corporate and Community Management Act 1997*, section 46.

liability amount, for a consumer for residential construction work, for schedule 2C, see schedule 2C, section 2.

licence fee means the fee payable on application for, or renewal of, a licence.

licensed contractor, for schedule 2C, see schedule 2C, section 2.

living unit, for part 5 and schedule 2C, means a living unit as mentioned in section 26N.

lot, for schedule 2C, see the *Body Corporate and Community Management Act 1997*, schedule 6.

maintain, for schedule 2, parts 21 to 30B, schedule 2A and schedule 2B, means—

- (a) inspect and test a fire protection system and any other fire safety measures to ensure continued operation at their original performance levels and in accordance with any relevant Australian Standards; or
- (b) repair or replace defective components to keep a fire protection system in a working order according to original specifications; or
- (c) carry out preventative maintenance; or
- (d) prepare a maintenance record of the work mentioned in paragraphs (a) to (c).

maintenance record, for schedule 2, parts 21 to 30B, schedule 2A and schedule 2B, means a record of any maintenance carried out.

manufactured home see the *Manufactured Homes (Residential Parks) Act 2003*, section 10.

multiple dwelling—

- (a) means a building comprising 2 or more separate residential units; and
- (b) does not include a duplex.

preventative maintenance, for schedule 2, parts 21 to 30B, schedule 2A and schedule 2B, means lubrication, cleaning, adjustment and replacement of parts for the purpose of minimising faults or malfunctions of a fire protection system.

prime cost item, for a fixed price residential contract, for schedule 2C, see schedule 2C, section 2.

provisional sum, for a fixed price residential contract, for schedule 2C, see schedule 2C, section 2.

record of maintenance see the *Building Fire Safety Regulation 2008*, schedule 3.

rectification work, for schedule 2C, see schedule 2C, section 15(1).

registered training organisation see the *National Vocational Education and Training Regulator Act 2011* (Cwlth), section 3.

reinstatement work, for schedule 2C, see schedule 2C, section 10(2).

storm, for schedule 2C, see schedule 2C, section 2.

structural defect, for primary insurable work, for schedule 2C, see schedule 2C, section 2.

substantially complete, for residential construction work, for schedule 2C, see schedule 2C, section 2.

supporting structure, for a sign, is a structure the main purpose of which is to display the sign, including any structure that is attached to or suspended from a building to allow the sign to be displayed, including, for example, a sign case or other box-type structure, but does not include the building.

survey, for schedule 2, parts 21 to 30B, schedule 2A and schedule 2B, means the visual inspection of a fire protection system to identify if the system has been altered, damaged or compromised.

swimming pool, for schedule 2C, see the *Building Act 1975*, schedule 2.

technical qualifications document means the document called 'Technical Qualifications for Licensing' made by the chief executive and published on the department's website.

terrorist act, for schedule 2C, see the *Police Powers and Responsibilities Act 2000*, section 211.

trade contractor's licence means a licence other than a builder contractor's licence.

Type A, for construction, means Type A construction under the Building Code of Australia.

Type B, for construction, means Type B construction under the Building Code of Australia.

unrestricted electrical contractor licence means an electrical contractor licence under the *Electrical Safety Act 2002* that does not include any conditions or restrictions.

vandalism, of built work, for schedule 2C, see schedule 2C, section 2.