Queensland

Domestic Building Contracts Act 2000

Domestic Building Contracts Regulation 2010

Reprinted as in force on 1 July 2011

Reprint No. 1B

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

Information about this reprint

This regulation is reprinted as at 1 July 2011. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnote

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, 'lodgement' has replaced 'lodgment'). Variations of spelling will be updated in the next authorised reprint.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

Queensland

Domestic Building Contracts Regulation 2010

Contents

		Page
1	Short title	3
2	Commencement	3
3	Prescribed matters—Act, s 27(2)(h)	3
4	Prescribed matters—Act, s 65(3)(b)	3
5	Prescribed matters—Act, s 66(6)(b)	4
6	Prescribed fee—Act, s 100(1)	5
7	Repeal	5

Endnotes

1	Index to endnotes	6
2	Date to which amendments incorporated	6
3	Key	6
4	Table of reprints	7
5	List of legislation	7
6	List of annotations	7

Domestic Building Contracts Regulation 2010

[as amended by all amendments that commenced on or before 1 July 2011]

1 Short title

This regulation may be cited as the *Domestic Building Contracts Regulation 2010*.

2 Commencement

This regulation commences on 30 March 2010.

3 Prescribed matters—Act, s 27(2)(h)

For the Act, section 27(2)(h), the contract must not contain a provision that—

(a) is contrary to the QBSA Act; or

(b) purports to exclude, limit or otherwise change the effect of a provision of the QBSA Act.

Examples of prohibited provisions—

1 A provision that deems a direction under the QBSA Act, section 72 given to a construction manager or other building contractor to be a direction given to someone else.

2 A provision that requires a building owner to indemnify a construction manager or other building contractor against all liabilities and costs that may arise if a direction under the QBSA Act, section 72 is given to a construction manager or other building contractor.

4 Prescribed matters—Act, s 65(3)(b)

(1) This section prescribes the way an agreement is to be made, and the requirements the agreement must satisfy, for the Act, section 65(3)(b).

(2) Before the agreement is made the building contractor must give the consumer a notice—

(a) pointing out that the Act generally prohibits a building contractor under a regulated contract from demanding or receiving an amount under the contract, other than a deposit, unless the amount is directly related to the progress of the subject work; and

(b) explaining why the contractor believes the prohibition should not apply in the circumstances; and

(c) identifying the clause or other part of the contract setting out the payment terms.

(3) The building contractor must ensure the consumer initials the clause or other part of the contract setting out a payment, other than a deposit, to be made that is not directly related to progress of the work.

(4) If there is more than 1 clause or part of the type mentioned in subsection (3), it is sufficient for the consumer to initial 1 of the clauses or parts.

5 Prescribed matters—Act, s 66(6)(b)

(1) This section prescribes the way an agreement is to be made, and the requirements the agreement must satisfy, for the Act, section 66(6)(b).

(2) Before the agreement is made the building contractor must give the consumer a notice—

(a) pointing out that the Act generally prohibits a building contractor under a designated stages contract from demanding or receiving progress payments that are more than the amounts set out in the Act; and

(b) stating the content of the relevant table in the Act, section 66(3), (4) or (5); and

(c) explaining why the contractor believes the prohibition should not apply in the circumstances; and

(d) identifying the clause or other part of the contract setting out the progress payments payable.

(3) The building contractor must ensure the consumer initials the clause or other part of the contract setting out the progress payments payable.

(4) If there is more than 1 clause or part setting out the progress payments payable, it is sufficient for the consumer to initial 1 of the clauses or parts.

6 Prescribed fee—Act, s 100(1)

For the Act, section 100(1), the fee prescribed for supplying a copy of a contract information statement to a person and permitting the person to obtain a copy is $2.50.

7 Repeal

The Domestic Building Contracts Regulation 2000, No. 155 is repealed.

Endnotes

1 Index to endnotes

Page

2 Date to which amendments incorporated 6

3 Key 6

4 Table of reprints 7

5 List of legislation 7

6 List of annotations 7

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 2011. Future amendments of the Domestic Building Contracts Regulation 2010 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key		Explanation	Key		Explanation
AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
amdt	=	amendment	prov	=	provision
ch	=	chapter	pt	=	part
def	=	definition	pubd	=	published
div	=	division	R[X]	=	Reprint No. [X]
exp	=	expires/expired	RA	=	Reprints Act 1992
gaz	=	gazette	reloc	=	relocated
hdg	=	heading	renum	=	renumbered
ins	=	inserted	rep	=	repealed
lap	=	lapsed	(retro)	=	retrospectively
notfd	=	notified	rv	=	revised edition
num	=	numbered	s	=	section
o in c	=	order in council	sch	=	schedule
om	=	omitted	sdiv	=	subdivision
orig	=	original	SIA	=	Statutory Instruments Act 1992
p	=	page	SIR	=	Statutory Instruments Regulation 2002
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	30 March 2010	
1A	2010 SL No. 96	1 July 2010	
1B	2011 SL No. 100	1 July 2011	

5 List of legislation

Domestic Building Contracts Regulation 2010 SL No. 33
made by the Governor in Council on 11 March 2010
notfd gaz 12 March 2010 pp 601–2
ss 1–2 commenced on date of notification
remaining provisions commenced 30 March 2010 (see s 2)
exp 1 September 2020 (see SIA s 54)
Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Queensland Building Services Authority and Other Legislation Amendment Regulation (No. 1) 2010 SL No. 96 pts 1, 3
notfd gaz 28 May 2010 pp 290–2
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2010 (see s 2)

Queensland Building Services Authority and Other Legislation Amendment Regulation (No. 1) 2011 SL No. 100 pts 1, 3
notfd gaz 17 June 2011 pp 430–4
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2011 (see s 2)
Note—An explanatory note was prepared.

6 List of annotations

Prescribed fee—Act, s 100(1)
s 6 amd 2010 SL No. 96 s 6; 2011 SL No. 100 s 6

© State of Queensland 2011