



Queensland

Revision notice

Queensland Building Services Authority Act 1991

Reprint No. 10

1 Section 95(2)—

omit, insert—

- ‘(2) Subject to subsection (3), the tribunal may decide a domestic building dispute that is not a minor domestic building dispute at an expedited hearing only if—
 - (a) all parties to the proceeding apply, as provided under the QCAT Act, to the tribunal for the matter to be dealt with at an expedited hearing; and
 - (b) the tribunal considers it appropriate for the dispute to be decided at an expedited hearing.
- ‘(3) The tribunal may decide a domestic building dispute between a building owner and a building contractor at an expedited hearing if—
 - (a) the building contractor applied to the tribunal to have the tribunal decide the dispute; and

- (b) prior to the proceedings the building owner applied under section 71A for the authority to consider whether to direct the following rectification of building work—
 - (i) to complete incomplete domestic building work;
 - (ii) to remedy defective domestic building work relating to a building that—
 - (A) adversely affects the structural performance of the building; or
 - (B) adversely affects the health or safety of a person occupying the building; or
 - (C) adversely affects the functional use of the building; or
 - (D) allows water penetration into the building; and
 - (c) the tribunal considers the building owner may suffer undue hardship if the matter is not dealt with by expedited hearing; and
 - (d) having regard to the complexity of the dispute, the tribunal considers that it may properly be dealt with at an expedited hearing.
- ‘(4) The tribunal may decide a review of a decision of the authority at an expedited hearing if—
- (a) a building contractor applied to the tribunal for the review; and
 - (b) the review is of a decision of the authority—
 - (i) to direct or not to direct rectification or completion of tribunal work in relation to domestic building work; or
 - (ii) that a domestic building contract has been validly terminated having the consequence of allowing a claim for noncompletion under the statutory insurance scheme; and
 - (c) prior to the review being commenced, the relevant building owner for the decision applied under section 71A for the authority to consider whether to direct the following rectification of building work—
 - (i) to complete incomplete domestic building work;
 - (ii) to remedy defective domestic building work relating to a building that—

- (A) adversely affects the structural performance of the building; or
 - (B) adversely affects the health or safety of a person occupying the building; or
 - (C) adversely affects the functional use of the building; or
 - (D) allows water penetration into the building; and
- (d) the tribunal considers the relevant building owner for the decision may suffer undue hardship if the matter is not dealt with by expedited hearing; and
 - (e) having regard to the complexity of the review the tribunal considers that it may properly be dealt with at an expedited hearing.’.

2 Endnote 4, entry for reprint 10—

omit, insert—

‘10 2009 Act No. 24 1 December 2009’
2009 Act No. 48

3 Endnote 6, at the end—

insert—

‘**State Penalties Enforcement and Other Legislation Amendment Act 2009 No. 48 ss 1, 2(5), ch 4 pt 19**
date of assent 19 November 2009
ss 1–2 commenced on date of assent
remaining provisions commenced 1 December 2009 immediately after the commencement of the Queensland Civil and Administrative Tribunal Act 2009 No. 23 ch 7 (see s 2(5) and 2009 SL No. 251)’

4 Endnote 7, entry for section 95

insert—

‘; 2009 No. 48 s 178’

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