



Queensland

Domestic Building Contracts Regulation 2010

Subordinate Legislation 2010 No. 33

made under the

Domestic Building Contracts Act 2000

Contents

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

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.

[s 6]

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 \$2.35.

7 Repeal

The Domestic Building Contracts Regulation 2000, No. 155 is repealed.

ENDNOTES

- 1 Made by the Governor in Council on 11 March 2010.
- 2 Notified in the gazette on 12 March 2010.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Public Works.

© State of Queensland 2010