

Queensland



**QUEENSLAND BUILDING
SERVICES AUTHORITY
AMENDMENT ACT 1997**

Act No. 70 of 1997

Queensland



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AUTHORITY AMENDMENT ACT 1997**

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**Queensland Building Services Authority
Amendment Act 1997**

Act No. 70 of 1997

An Act to amend the *Queensland Building Services Authority Act 1991*

[Assented to 1 December 1997]

The Parliament of Queensland enacts—

Short title

1. This Act may be cited as the *Queensland Building Services Authority Amendment Act 1997*.

Act amended

2. This Act amends the *Queensland Building Services Authority Act 1991*.

Amendment of schedule

3.(1) Schedule, heading ‘Transitional provisions’—
omit, insert—

‘TRANSITIONAL AND VALIDATING PROVISIONS

‘PART 1—TRANSITIONAL PROVISIONS’.

(2) Schedule, clauses 1A and 7(2), ‘clause’—
omit, insert—

‘section’.

(3) Schedule, clause 2(3B), (3C)(a) and (8)(a), ‘subclause’—
omit, insert—

‘subsection’.

(4) Schedule, clause 7(1), ‘section 101’—
omit, insert—

‘section 101 of this Act’.

(5) Schedule, after clause 7—

insert—

‘PART 2—VALIDATING PROVISIONS

‘Definitions

‘8. In this part—

“affected licence” means a document purporting to be a licence that—

- (a) was issued by the Authority on or after 1 July 1992 but before the commencement day; and
- (b) was issued to an individual who did not, or a company in relation to which the company’s nominated supervisor did not, when the document was issued, have the relevant qualifications and experience required by regulation.

“basic compliance period”, for a transitional licence, see definition **“transitional licence”**.

“building contract” means a contract for the carrying out of building work by a person to whom an affected licence has been issued.

“commencement day”, for a provision of this part, means the day on which the provision in which the expression occurs commences.

“compliance period”, for a transitional licence, means—

- (a) the basic compliance period for the licence; or
- (b) if the Authority extended or further extended the period—the period as extended.

“expired licence” means an affected licence to which section 9(3) applies.

“relevant licensee”, for an affected or transitional licence, means the person to whom the licence was issued.

“transitional licence” means an affected licence in relation to which the Authority, in issuing the licence—

- (a) indicated to the relevant licensee that the licence was a transitional licence; and

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- (b) stated a period (the “**basic compliance period**”)—
- (i) as the period for which the licence was issued; and
 - (ii) in relation to the licensee (for a licence issued to an individual) or the company’s nominated supervisor (for a licence issued to a company)—as the period for the licensee or supervisor to obtain stated qualifications or experience in order to have the relevant qualifications and experience required by regulation.

‘Validation of affected licences

‘**9.(1)** An affected licence is taken to be, and at all times to have been, a validly issued licence.

‘**(2)** Subsection (3) applies if—

- (a) before the commencement day, an affected licence was suspended, cancelled or surrendered; and
- (b) for a suspension or cancellation—the decision to suspend or cancel the licence was or is not subsequently annulled or terminated under this Act.

‘**(3)** Despite subsection (1), the licence is taken to have been a validly issued licence only until it was suspended, cancelled or surrendered.

‘Period of effect of transitional licences—compliance period ended

‘**10.(1)** This section applies to a transitional licence if—

- (a) the licence is not an expired licence; and
- (b) the compliance period for the licence ended before the commencement day.

‘**(2)** The licence is taken to have remained in force for the period starting when the compliance period ended and ending on the day before the commencement day.

‘**(3)** Also, the licence remains in force, subject to this Act, until the end of the period of 3 months starting on the commencement day.

‘(4) Subsection (6) applies if—

- (a) before the commencement day, the relevant licensee entered into a building contract; and
- (b) neither of the following things happens before the end of the period of 3 months mentioned in subsection (3)—
 - (i) practical completion under the contract;
 - (ii) termination of the contract.

‘(5) However, subsection (6) applies only for the contract or contracts to which it relates.

‘(6) Despite subsection (3), the licence remains in force, subject to this Act—

- (a) if, by the application of subsection (4), there is only 1 contract involved—until 1 of the following things happens—
 - (i) the stage of practical completion is reached under the contract;
 - (ii) the contract is terminated; or
- (b) if, by the application of subsection (4), there is more than 1 contract involved—until there is no contract either under which the stage of practical completion has not been reached or that has not been terminated.

‘Period of effect of transitional licences—compliance period current

‘11.(1) This section applies to a transitional licence if—

- (a) the licence is not an expired licence; and
- (b) the compliance period for the licence has not ended before the commencement day.

‘(2) The licence remains in force, subject to this Act, until the later of the following—

- (a) the end of the compliance period;
- (b) the end of the period of 3 months starting on the commencement

day.

‘(3) Subsection (5) applies if—

- (a) before the commencement day, the relevant licensee entered into a building contract; and
- (b) neither of the following things happens before the end of the period for which the licence remains in force under subsection (2)—
 - (i) practical completion under the contract;
 - (ii) termination of the contract.

‘(4) However, subsection (5) applies only for the contract or contracts to which it relates.

‘(5) Despite subsection (2), the licence remains in force, subject to this Act—

- (a) if, by the application of subsection (3), there is only 1 contract involved—until 1 of the following things happens—
 - (i) the stage of practical completion is reached under the contract;
 - (ii) the contract is terminated; or
- (b) if, by the application of subsection (3), there is more than 1 contract involved—until there is no contract either under which the stage of practical completion has not been reached or that has not been terminated.

‘Condition of transitional licences

‘12.(1) This section applies to a transitional licence that is not an expired licence.

‘(2) The licence is subject to a condition that the relevant licensee must not, while the licence remains in force under section 10 or 11, enter into a building contract on the basis of being a licensee under the licence.

‘(3) The Authority must promptly give written notice of the condition to the relevant licensee.

‘(4) A failure by the Authority to comply with subsection (3) does not affect the effectiveness of the condition.’.